

Exhibit 6

IRVINGTON PUBLIC SCHOOLS' OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT (IRVINGTON) (SD MSJ NO.4)

Case No.: 4:22-md-03047-YGR

MDL No. 3047

Member Case No.: 4:23-cv-01467-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

CONFIDENTIAL

Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 - - - - -

4 IN RE: SOCIAL MEDIA CASE NO.
5 ADOLESCENT ADDICTION/PERSONAL 4:22-md-03047-YGR
6 INJURY PRODUCTS LIABILITY MDL No. 3047
7 LITIGATION

8 THIS DOCUMENT RELATES TO:

9 Irvington Public Schools

10 vs.

11 Meta Platforms Inc., et al.

12 Member Case No.: 4:23-cv-01467-YGR

13 - - - - -

14 Wednesday, May 14, 2025

15 CONFIDENTIAL - ATTORNEYS' EYES ONLY

16 PURSUANT TO PROTECTIVE ORDER

17
18 Videotaped deposition of JOHN AMBERG, held
19 at the offices of the Irvington Board of Education,
20 One University Place, Irvington, New Jersey,
21 commencing at 9:25 a.m., Eastern, on the above date,
22 before Robin L. Clark, Professional Reporter and
23 Notary Public in and for the State of New Jersey.
24
25

CONFIDENTIAL

Page 2

1 APPEARANCES:

2 SEEGER WEISS, LLP
3 BY: JENNIFER SCULLION, ESQ.
CARLOS F. RIVERA, ESQ.
4 55 Challenger Road, 6th Floor
Ridgefield Park, New Jersey 07660
5 973-639-9100
jscullion@seegerweiss.com
6 crivera@seegerweiss.com
For the Plaintiffs and
7 Witness
8

9 SHOOK, HARDY & BACON, L.L.P.
BY: TERRENCE J. SEXTON, ESQ.
2555 Grand Boulevard
10 Kansas City, Missouri 64108
816-474-6550
11 tsexton@shb.com
Counsel for Defendants, Meta
12 Platforms, Inc., f/k/a Facebook, Inc.;
Facebook Holdings, LLC;
13 Facebook Operations, LLC; Facebook
Payments, Inc.; Facebook Technologies,
14 LLC; Instagram, LLC; and Siculus, Inc.
15

16 KIRKLAND & ELLIS LLP
BY: FARAZ SHAHIDPOUR, ESQ.
333 West Wolf Point Plaza
17 Chicago, Illinois 60654
312-862-1541
18 faraz.shahidpour@kirkland.com
For the Defendant,
19 Snap, Inc.
20

21 KIRKLAND & ELLIS LLP
BY: ANDREW KARP, ESQ.
601 Lexington Avenue
22 New York, New York 10022
212-341-7593
23 andrew.karp@kirkland.com
For the Defendant, Snap,
24 Inc.
25

CONFIDENTIAL

Page 3

1 ALSO PRESENT:

2 DANIEL ORTEGA, VIDEOGRAPHER

3 MICHAEL FRONZAGLIA, TRIAL TECH

4 EMMA DeGROFF

5 REMOTE APPEARANCES:

6 CARELLA, BYRNE, CECCHI, BRODY
7 & AGNELLO, P.C.

8 BY: MICHAEL A. INNES, ESQ.

9 DAVID GILFILLAN, ESQ.

5 Becker Farm Road

10 Roseland, New Jersey 07068

973-994-1700

minnes@carellabyrne.com

11 dgilfillan@carellabyrne.com

For the Plaintiffs and the
12 Witness

13 SHOOK, HARDY & BACON, L.L.P.

14 BY: KATELYN ROMEO, ESQ.

Two Commerce Square

15 2001 Market Street, Suite 3000

Philadelphia, Pennsylvania 19103

16 215-278-2555

kromeo@shb.com

17 Counsel for Defendants, Meta,
18 Platforms, Inc., f/k/a Facebook, Inc.;

Facebook Holdings, LLC;

Facebook Operations, LLC; Facebook

19 Payments, Inc.; Facebook Technologies,

20 LLC; Instagram, LLC; and Siculus, Inc.

21

22

23

24

25

CONFIDENTIAL

Page 4

1 REMOTE APPEARANCES, CONTINUED:

2
3 KING & SPALDING LLP
4 BY: ERIN LEE, ESQ.
5 1180 Peachtree Street, N.E., Suite 1600
6 Atlanta, Georgia 30309
7 404-572-2788
8 elee@kslaw.com

9 For the Defendants,
10 TikTok, Ltd.; TikTok, LLC;
11 TikTok, Inc.; ByteDance Ltd.; and
12 ByteDance Inc.

13 SKADDEN ARPS
14 BY: ANNELIESE V. THOMAS, ESQ.
15 320 S. Canal St.
16 Chicago, Illinois 60606
17 312-407-0604
18 anneliese.thomas@skadden.com

19 For the Defendant, Snap, Inc.

20 WILLIAMS & CONNOLLY, LLP
21 BY: ARMANI J. MADISON, ESQ.
22 680 Maine Avenue S.W.
23 Washington, D.C. 20024
24 202-434-5374
25 amadison@wc.com

For the Defendants, Alphabet,
Inc., Google, LLC and YouTube, LLC

- - - - -

CONFIDENTIAL

Page 5

1	I N D E X		
2	WITNESS		PAGE
3	JOHN L. AMBERG		
4	BY MR. SHAHIDPOUR:		10
5	BY MR. MADISON:		278
6	E X H I B I T S		
7	NUMBER	DESCRIPTION	MARKED
8	Amberg		
9	Exhibit 1	Curriculum Vitae	13
10	Exhibit 2	Defendants' Notice of Oral	43
11		and Videotaped Deposition	
12		of John Amberg; Request for	
13		Production of Documents	
14	Exhibit 3	Email String Bates	56
15		BW__Irvington00238419	
16	Exhibit 4	PowerPoint entitled	59
17		"Informed Decision Making	
18		Through Data Analysis"	
19		Bates BW__Irvington00238420	
20	Exhibit 5	Third Amended Plaintiff	112
21		Fact Sheet - School	
22		Districts	
23	Exhibit 6	CARES Act Budget Bates	137
24		BW__Irvington00256844 to	
25		256845	
26	Exhibit 7	Email dated 9/11/19 Baes	143
27		BW__Irvington00227923 to	
28		00227924	
29	Exhibit 8	Student Use of Technology	147
30		Agreement and Release of	
31		Liability Form Bates	
32		BW__Irvington00227925 to	
33		227927	
34	Exhibit 9	Chromebook Student User	147

CONFIDENTIAL

Page 6

1		Agreement Bates	
2		BW__Irvington00227933 to	
3	Exhibit 10	Email String Bates	185
4		BW__Irvington00338969	
5	Exhibit 11	Letter to Parents Bates	187
6		BW__Irvington00338970	
7	Exhibit 12	Letter Bates	193
8		BW__Irvington00463682 to	
9		463688	
10	Exhibit 13	IPS Website Page	212
11	Exhibit 14	Email String Bates	233
12		BW__Irvington00481804	
13	Exhibit 15	IPS Technology Plan Bates	246
14		BW__Irvington00169331 to	
15		163369	
16	Exhibit 16	Professional Assessment and	256
17		Development Evaluation	
18		Bates BW__Irvington00225419	
19		to 225454	
20			
21			
22			
23			
24			
25			

CONFIDENTIAL

Page 7

DEPOSITION SUPPORT INDEX

- - - - -

Direction to Witness Not to Answer

Page Line

279 19

Request for Production of Documents

Page Line

NONE

Question Marked

Page Line

NONE

CONFIDENTIAL

Page 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONFIDENTIAL

Page 9

1 THE VIDEOGRAPHER: We are now
2 on the record. My name is Daniel
3 Ortega and I am the legal
4 videographer for Golkow Litigation
5 Services. Today's date is May 14,
6 2025, and the time is 9:25 a.m.

7 This video deposition is
8 being held at One University
9 Place, Irvington, New Jersey, in
10 the matter of Social Media, CA
11 MDL 3047, Irvington Public
12 Schools versus Meta Platforms,
13 Inc., et al. The deponent today
14 is John Amberg.

15 All counsel will be noted on
16 the stenographic record. The
17 court reporter today is Robin
18 Clark and will now swear in the
19 witness.

20 - - - - -

21 JOHN L. AMBERG, having been
22 duly sworn, was examined and
23 testified as follows:

24 - - - - -

25 THE WITNESS: My name is

CONFIDENTIAL

Page 10

1 Amberg.

2 MS. SCULLION: His name is
3 Amberg, yeah.

4 THE VIDEOGRAPHER: I'm sorry.

5 MS. SCULLION: That's all
6 right.

7 BY MR. SHAHIDPOUR:

8 Q. Good morning, Mr. Amberg.
9 Could you please state your full name for
10 the record?

11 A. John Louis Amberg.

12 Q. It's nice to you meet you.
13 My name is Faraz Shahidpour. I represent
14 the Snap Defendant in this case. Is this
15 your first time being deposed?

16 A. In this case?

17 Q. In any case.

18 A. I believe I might have been
19 deposed many, many years ago in a real
20 estate situation.

21 Q. Okay. You understand that
22 you're under oath today?

23 A. I do.

24 Q. Is there any reason that you
25 cannot provide truthful and accurate

CONFIDENTIAL

Page 11

1 testimony today?

2 A. No.

3 Q. If at any point you don't
4 understand the question that I've asked,
5 please let me know and I can clarify.
6 Otherwise, I'm going to assume that you
7 understand the question that I ask. Okay?

8 A. Yes.

9 Q. And another ground rule is
10 that unlike if we were having a
11 conversation in normal life, we can't talk
12 over each other at all in this deposition.
13 That is because there's a court reporter
14 who is listening and jotting down what we
15 say, so to make sure that we get a clean
16 record, I ask that you wait until I finish
17 my question before you give your answer
18 and, similarly, I'll wait until you finish
19 giving your answer before I ask my next
20 question. Sound good?

21 A. That's fine.

22 Q. And because there's a court
23 reporter writing down what we say, it's
24 important to give verbal responses as
25 opposed to head nods or "uh-huhs" or

CONFIDENTIAL

Page 12

1 anything else that can't be recorded
2 stenographically. Understood?

3 A. Understood.

4 Q. Throughout today's
5 deposition, I may refer to Irvington Public
6 Schools as IPS or the district. Will you
7 understand what I mean by IPS or the
8 district?

9 A. Correct.

10 Q. What is your home address?

11 A. [REDACTED]
[REDACTED]

13 Q. And what is your work
14 address?

15 A. Primarily, One University
16 Place, fourth floor.

17 Q. And prior to your deposition,
18 your counsel provided me with a copy of
19 your CV as we requested. Is that something
20 that you're aware of?

21 A. Of my CV?

22 Q. Of the fact that I was
23 provided with your CV.

24 A. Yes.

25 Q. I'm handing you what has been

CONFIDENTIAL

Page 13

1 marked or what will be marked as Exhibit 1.
2 Tab 1.

3 - - - - -
4 (Curriculum Vitae marked
5 Amberg Exhibit 1 for
6 identification.)

7 - - - - -
8 MS. SCULLION: Counsel, did
9 you want the reporter to mark the
10 exhibit?

11 BY MR. SHAHIDPOUR:

12 Q. Yes, the reporter will be
13 marking it.

14 Mr. Amberg, you've seen this
15 document before?

16 MS. SCULLION: I'm sorry,
17 could you give the witness a chance
18 to look at it?

19 THE WITNESS: Repeat the
20 question.

21 BY MR. SHAHIDPOUR:

22 Q. Have you seen this document
23 before?

24 A. I have.

25 Q. What is it?

CONFIDENTIAL

Page 14

1 A. It is a résumé.

2 Q. Is it your résumé?

3 A. It is my résumé.

4 Q. Did you prepare it?

5 A. I believe so.

6 Q. Is there any reason you
7 believe you may not have prepared it?

8 A. No, it's just a long time
9 ago.

10 Q. Okay. And do you remember
11 approximately when you may have prepared
12 it?

13 A. I probably began preparing it
14 15 years ago and I made some additions all
15 the way up to about six months ago.

16 Q. Is this a current and
17 accurate copy of your résumé?

18 MS. SCULLION: Objection to
19 form.

20 THE WITNESS: Could you
21 restate, like, kind of --

22 BY MR. SHAHIDPOUR:

23 Q. Sorry, I didn't hear you
24 there.

25 A. Explain what you mean by

CONFIDENTIAL

Page 15

1 "current"?

2 Q. Is this résumé up to date?

3 A. It's missing executive
4 director.

5 Q. Is there anything else that's
6 missing?

7 A. I've given some examples of
8 what I do, but not all of the examples of
9 what my job entails.

10 Q. Okay. Is there anything
11 else?

12 A. No, I believe it's fairly
13 accurate.

14 Q. Okay. We'll get to the
15 changes that you mentioned a minute, but I
16 want to talk a little bit about your
17 education.

18 A. Sure.

19 Q. You have a master's degree,
20 correct?

21 A. That is correct.

22 Q. From Saint Peter's University
23 in Jersey City?

24 A. Correct.

25 MS. SCULLION: I'm required to

CONFIDENTIAL

Page 16

1 say, "Go Peacocks."

2 BY MR. SHAHIDPOUR:

3 Q. Was your concentration in
4 administration and supervision?

5 A. That is correct.

6 Q. And you earned that master's
7 degree in 2006?

8 A. I believe so, yes.

9 MS. SCULLION: I see 2008.

10 THE WITNESS: 2008.

11 BY MR. SHAHIDPOUR:

12 Q. Excuse me, it's 2008. You
13 have a culinary associate of arts degree
14 from the CIA, which you earned in 1996; is
15 that right?

16 A. That is correct.

17 Q. You also have a bachelor's
18 degree from Saint Peter's University in
19 Jersey City, Go Peacocks?

20 A. That is correct.

21 Q. That is correct. In
22 classics -- and excuse me, the bachelor's
23 degree that you have from Saint Peter's
24 University, that is in classics and
25 classical languages, literature and

CONFIDENTIAL

Page 17

1 linguistics?

2 A. Yes.

3 Q. Broadly known as classics as
4 it's listed on your CV?

5 A. Yes.

6 Q. And you earned that degree in
7 classics from Saint Peter's University in
8 1991; is that right?

9 A. That is correct.

10 Q. You don't have any education
11 or training in psychology?

12 A. I do.

13 Q. What is that education or
14 training in psychology that you have?

15 A. I can teach it, because I
16 took courses at Saint Peter's that allows
17 me as a social studies teacher to teach
18 psychology.

19 Q. Okay. And to which grades --
20 grade levels are you permitted or certified
21 to teach psychology as a social studies
22 teacher?

23 MS. SCULLION: Objection to
24 form.

25 THE WITNESS: I believe that

CONFIDENTIAL

Page 18

1 would be high school, based on my
2 old -- based on the old certs.

3 BY MR. SHAHIDPOUR:

4 Q. Excuse me, that last part, I
5 didn't catch that.

6 A. Yeah, old certifications.
7 They changed certifications throughout the
8 years, so I'm K-8, which doesn't exist
9 anymore either.

10 Q. Do you remain certified to
11 teach high schoolers psychology?

12 A. Yes.

13 Q. And that's grades 9 through
14 12?

15 A. I believe so.

16 Q. Are you certified to teach AP
17 psychology?

18 A. I don't believe so.

19 Q. Do you teach psychology to
20 high schoolers in your current role?

21 A. I do not.

22 Q. Have you ever taught
23 psychology to high schoolers?

24 A. I don't believe so, no.

25 Q. Have you ever taught

CONFIDENTIAL

Page 19

1 psychology to any grade level?

2 A. I don't believe so.

3 Q. Are you certified to teach
4 psychology to anyone -- to any grade level
5 other than high schoolers?

6 A. I don't believe so.

7 Q. And just to backtrack a
8 little bit, you received that certification
9 by virtue of having taken certain classes
10 in psychology as a student?

11 A. I believe, and, again, the
12 state of New Jersey certification based on
13 social studies, I believe that's the case.

14 Q. I see. So your certification
15 to teach social studies in the state of New
16 Jersey encompasses teaching psychology as a
17 social studies subject to high schoolers?

18 A. Correct.

19 Q. Do you have any education or
20 training in child psychology specifically?

21 A. Courses from my master's
22 degree.

23 Q. And do those courses from
24 your master's degree in child psychology
25 qualify you to practice or to teach child

CONFIDENTIAL

Page 20

1 psychology?

2 MS. SCULLION: Objection to
3 form.

4 THE WITNESS: I don't believe
5 so, sir.

6 BY MR. SHAHIDPOUR:

7 Q. Do you have any education or
8 training in counseling?

9 MS. SCULLION: Objection to
10 form.

11 THE WITNESS: I do not.

12 BY MR. SHAHIDPOUR:

13 Q. Do you have any education or
14 training in psychiatry?

15 MS. SCULLION: Objection to
16 form.

17 THE WITNESS: Let me check my
18 CV. I don't believe so, sir.

19 BY MR. SHAHIDPOUR:

20 Q. Do you have any education or
21 training in behavioral therapy?

22 MS. SCULLION: Objection to
23 form.

24 THE WITNESS: I don't believe
25 so.

CONFIDENTIAL

Page 21

1 BY MR. SHAHIDPOUR:

2 Q. And you mentioned that you
3 took some classes in child psychology
4 during your master's degree.

5 A. I believe it was one.

6 Q. It was one. Do you remember
7 what course that was?

8 A. I do not.

9 Q. Was it required to obtain
10 your degree?

11 A. I believe it was.

12 Q. Are you the author of any
13 articles relating to education?

14 A. I don't believe I am.

15 Q. Are you the author of any
16 studies relating to education?

17 MS. SCULLION: Objection to
18 form.

19 THE WITNESS: I don't believe
20 I am.

21 BY MR. SHAHIDPOUR:

22 Q. Are you the author of any
23 articles or studies relating to adolescent
24 mental health or well-being?

25 MS. SCULLION: Objection to

CONFIDENTIAL

Page 22

1 form.

2 THE WITNESS: I don't believe

3 I am.

4 BY MR. SHAHIDPOUR:

5 Q. Have you ever conducted any
6 research on adolescent mental health?

7 MS. SCULLION: Objection to
8 form.

9 THE WITNESS: I don't believe
10 I have.

11 BY MR. SHAHIDPOUR:

12 Q. Are you the author of any
13 articles relating to social media?

14 MS. SCULLION: Objection to
15 form.

16 THE WITNESS: I don't think
17 so.

18 BY MR. SHAHIDPOUR:

19 Q. Are you the author of any
20 studies relating to social media?

21 MS. SCULLION: Objection to
22 form.

23 THE WITNESS: What was the
24 question again?

25

CONFIDENTIAL

Page 23

1 BY MR. SHAHIDPOUR:

2 Q. Are you the author of any
3 studies relating to social media?

4 MS. SCULLION: Same objection.

5 THE WITNESS: I don't believe
6 so.

7 BY MR. SHAHIDPOUR:

8 Q. Have you ever conducted any
9 research relating to social media?

10 MS. SCULLION: Objection to
11 form.

12 THE WITNESS: Could you
13 explain the question as far as
14 research goes?

15 BY MR. SHAHIDPOUR:

16 Q. Sure. Have you ever
17 attempted to study social media usage among
18 any population?

19 A. No.

20 Q. Have you ever attempted to
21 study the impact of social media on any
22 population?

23 A. I don't believe so.

24 Q. Have you ever attempted to
25 study a particular social media platform?

CONFIDENTIAL

Page 24

1 MS. SCULLION: Objection to
2 form.

3 THE WITNESS: I don't believe
4 so.

5 BY MR. SHAHIDPOUR:

6 Q. Have you ever attempted to --
7 strike that.

8 Have you ever done any
9 investigations into the features of a
10 social media platform?

11 MS. SCULLION: Objection to
12 form. Vague.

13 THE WITNESS: Could you
14 rephrase that, please?

15 BY MR. SHAHIDPOUR:

16 Q. Have you ever tried to
17 investigate any features of a social media
18 platform for the purpose of an academic
19 understanding of the social media platform?

20 MS. SCULLION: Objection to
21 form. Are you asking if he has
22 undertaken any academic
23 investigation?

24 MR. SHAHIDPOUR: I have my
25 question on the record.

CONFIDENTIAL

Page 25

1 MS. SCULLION: Okay.

2 Objection to form. Vague.

3 THE WITNESS: I'm confused by
4 that question.

5 BY MR. SHAHIDPOUR:

6 Q. Have you ever attempted to
7 investigate any features of a social media
8 platform for the purpose of gaining an
9 academic understanding of the social media
10 platform?

11 MS. SCULLION: Same objection.

12 THE WITNESS: I'm sorry, I'm
13 still confused.

14 BY MR. SHAHIDPOUR:

15 Q. Have you ever investigated
16 the features of any social media platform
17 in an academic environment?

18 MS. SCULLION: Objection to
19 form. Counsel, and just I would
20 like to be clear, are you asking
21 whether he's -- when you say, "in
22 an academic environment," he works
23 in an academic environment, are you
24 asking whether he's undertaken an
25 academic investigation or if he's

CONFIDENTIAL

Page 26

1 just conducted an investigation in
2 any other sense within a school?
3 That's the confusion here.

4 BY MR. SHAHIDPOUR:

5 Q. I understand. Mr. Amberg,
6 have you ever undertaken an academic
7 investigation into any features of a social
8 media platform?

9 A. I'm still not exactly sure,
10 but I don't think so.

11 Q. Let's try and zoom out a
12 little bit. Do you have any experience
13 with social media platforms beyond being a
14 personal user of social media platforms?

15 MS. SCULLION: Objection to
16 form. Assumes facts not in
17 evidence.

18 THE WITNESS: Explain that.

19 BY MR. SHAHIDPOUR:

20 Q. Do you personally use any
21 social media?

22 A. Yes.

23 Q. And outside of that use of
24 social media in your personal life, do you
25 have any experience with social media?

CONFIDENTIAL

Page 27

1 MS. SCULLION: Objection to
2 form. Vague.

3 THE WITNESS: The back end,
4 maybe.

5 BY MR. SHAHIDPOUR:

6 Q. And what do you mean by, "the
7 back end"?

8 A. Whitelisting or blocking.

9 Q. Whitelisting or blocking
10 social media platforms?

11 A. Particularly, we have
12 everything blocked except for YouTube and
13 that is upon request by a supervisor, so
14 on, but that's it.

15 Q. Okay. Have you ever
16 undertaken to understand the technical
17 features of any social media platforms such
18 as the algorithms?

19 MS. SCULLION: Objection to
20 form. Vague.

21 BY MR. SHAHIDPOUR:

22 Q. Okay.

23 A. I don't believe so.

24 MS. SCULLION: Wait, he's --
25 are you withdrawing the question?

CONFIDENTIAL

Page 28

1 MR. SHAHIDPOUR: Sorry, I
2 thought he nodded his head.

3 MS. SCULLION: Sorry, I
4 didn't -- if you're going to say
5 yes or no, you say it as you say
6 it.

7 THE WITNESS: I don't believe
8 so.

9 MS. SCULLION: Thank you.

10 BY MR. SHAHIDPOUR:

11 Q. All right. Mr. Amberg, you
12 are employed by the Irvington Board of
13 Education; is that right?

14 A. That is correct.

15 Q. And what is your current job
16 title?

17 A. My current job title is
18 executive director.

19 Q. And executive director of
20 what exactly?

21 A. Of technology and media
22 services.

23 Q. And is that a district-wide
24 position?

25 A. That is.

CONFIDENTIAL

Page 29

1 Q. You oversee technology and
2 media services for the entire district?

3 A. That is correct.

4 Q. Does anyone report to you?

5 A. Yes.

6 MS. SCULLION: May I request
7 that we take down the call-out,
8 that's actually not -- that's his
9 old position. Thank you.

10 MR. SHAHIDPOUR: Sorry, I
11 think there was a question.

12 MS. SCULLION: Apologies.

13 MR. SHAHIDPOUR: No, no, there
14 may not have been. Oh, yeah, who
15 reports to you?

16 THE WITNESS: We have
17 teachers. We have technology
18 coaches. We have technicians.

19 BY MR. SHAHIDPOUR:

20 Q. What do teachers report to
21 you? I can rephrase. What information do
22 teachers report to you?

23 MS. SCULLION: Objection,
24 vague.

25 THE WITNESS: Academics,

CONFIDENTIAL

Page 30

1 school issues, dealing with
2 anything from supplies to
3 curriculum to class sizes to
4 schedules. We work on academic
5 issues, teacher evaluations.

6 BY MR. SHAHIDPOUR:

7 Q. Okay. Do you supervise
8 teachers in your role as executive
9 director?

10 A. I do.

11 Q. In what capacity do you
12 supervise teachers in your role as
13 executive director?

14 MS. SCULLION: Objection to
15 form.

16 BY MR. SHAHIDPOUR:

17 Q. How do you supervise teachers
18 in your role as executive director?

19 A. I conduct walk-throughs. I
20 conduct just-in-time evals. I conduct
21 district-wide walk-throughs. I conduct
22 evaluations both announced and unannounced.

23 Q. All right. You said -- you
24 testified that tech coaches report to you?

25 A. That is correct.

CONFIDENTIAL

Page 31

1 Q. What sort of information do
2 tech coaches report to you?

3 A. Training, Chromebook
4 management, inventory management, data,
5 data analysis, scheduling, testing,
6 specifically state testing. I'm sure
7 there's other things that I don't remember
8 at this point.

9 Q. All right. No, that's
10 helpful. And you said that these are tech
11 coaches; is that right?

12 A. Correct.

13 Q. Who are they coaching?

14 A. The teachers.

15 Q. The teachers. Do they coach
16 students?

17 A. No, a tech coach coaches
18 teachers.

19 Q. And then you listed a third
20 category of people who report to you,
21 technicians. What sort of information do
22 they report to you?

23 A. Again, let me think,
24 infrastructure primarily.

25 Q. And could you tell us a

CONFIDENTIAL

Page 32

1 little bit what you mean by infrastructure?

2 A. Sure. Access points, if
3 there's issues during testing with access
4 points, say, there's not enough bandwidth,
5 that sort of thing. IDFs and MDFs, meaning
6 where the switches are stored, where
7 servers may be located. Any networking
8 issues.

9 Q. Do you report to anyone?

10 A. I do.

11 Q. To whom do you report?

12 A. I report to the assistant to
13 the assistant superintendent, the assistant
14 superintendent, to the superintendent.

15 Q. So that's a lot of
16 assistants. I'm trying to -- the assistant
17 to the assistant superintendent --

18 A. Yeah.

19 Q. -- is the first name that you
20 listed?

21 A. Yes.

22 Q. Who is that?

23 A. Sean Evans.

24 Q. Sean Evans. And then you
25 also said the assistant superintendent, who

CONFIDENTIAL

Page 33

1 is that?

2 A. There are two, one is Martin
3 Adegboyega and the second is Reggie
4 Lamptey.

5 Q. And then the superintendent,
6 is that Dr. Vauss?

7 A. That is correct.

8 Q. Is there anyone else to whom
9 you report?

10 A. I don't believe so.

11 Q. Do you interact with students
12 directly in your role as executive director
13 of technology and media services?

14 MS. SCULLION: Objection to
15 form.

16 THE WITNESS: In this role,
17 no.

18 BY MR. SHAHIDPOUR:

19 Q. And when you say, "in this
20 role," do you mean that in previous roles,
21 you did interact directly with students?

22 MS. SCULLION: Objection to
23 form.

24 THE WITNESS: Yes.

25

CONFIDENTIAL

Page 34

1 BY MR. SHAHIDPOUR:

2 Q. And which roles, which role
3 or roles would that be?

4 MS. SCULLION: Objection to
5 form.

6 THE WITNESS: Well, I was a
7 teacher in the district, so -- I
8 was an administrator in the
9 district.

10 BY MR. SHAHIDPOUR:

11 Q. All right. So it's a little
12 bit hard to hear with the fan.

13 A. Assistant principal, it's the
14 second bullet point on whatever this is
15 entitled.

16 Q. It's exhibit 1?

17 A. Exhibit 1, sorry.

18 Q. That's okay. So you
19 interacted directly with students as a
20 teacher and an assistant principal; is that
21 right?

22 A. That is correct.

23 Q. And you were previously
24 director of technology and media services
25 from 2018 until when? Excuse me, I'll

CONFIDENTIAL

Page 35

1 scratch that.

2 Did you previously serve as
3 director of technology and media services?

4 A. I did.

5 Q. And what years would that be?

6 A. Up until last year.

7 Q. And starting when?

8 A. Maybe July of last year.

9 Q. Sorry, I meant when did you
10 start -- looking at your résumé, when did
11 you start serving as director of technology
12 and media services at Irvington Board of
13 Education?

14 A. I believe 2018.

15 Q. 2018. So from 2018 to 2024,
16 you were the director of technology and
17 media services?

18 A. I believe that's correct.

19 Q. That was also a district-wide
20 role?

21 A. Correct.

22 Q. And in that role, you also
23 oversaw technology coaches, technicians,
24 and looking at your résumé, it says media
25 specialists and computer teachers as well?

CONFIDENTIAL

Page 36

1 A. Uh-huh.

2 MS. SCULLION: You need to say
3 yes or no. Sorry.

4 THE WITNESS: Yes.

5 MS. SCULLION: Thank you.

6 BY MR. SHAHIDPOUR:

7 Q. And in that role, you were
8 also involved in the technology and media
9 curriculum at IPS?

10 A. That is correct.

11 Q. What schools employ a
12 technology and media curriculum at IPS?

13 MS. SCULLION: Objection to
14 form.

15 THE WITNESS: K through 5
16 employs media specialists. Sixth
17 through eighth grade middle school
18 employs computer teachers. And the
19 high schools employ technology
20 teachers.

21 BY MR. SHAHIDPOUR:

22 Q. And how does a position of
23 director of technology and media services
24 differ from executive director?

25 A. The difference is I'm now

CONFIDENTIAL

Page 37

1 actively involved in the evaluation process
2 where I'm actively working on the
3 evaluations on a district-wide level and
4 actively working on district-wide
5 inventory, where before I just set up the
6 backbone for it.

7 Q. Was there an executive
8 director of technology and media services
9 while you were director?

10 A. No, sir.

11 Q. Moving on, there was -- from
12 2013 to 2018 you were assistant principal
13 of Irvington High School?

14 MS. SCULLION: Sorry, Counsel,
15 did you mean 2014 to 2018?

16 MR. SHAHIDPOUR: Sorry, I'm --

17 MS. SCULLION: 2013, I heard
18 2013.

19 BY MR. SHAHIDPOUR:

20 Q. Oh, from 2014 to 2018, you
21 were assistant principal of Irvington High
22 School?

23 A. I believe so.

24 Q. And it looks like from your
25 résumé, you were 12th and 11th grade

CONFIDENTIAL

Page 38

1 administrator; is that right?

2 A. That's correct.

3 Q. Was that for the entirety of
4 your term as assistant principal?

5 A. That is correct.

6 Q. What does 12th and 11th grade
7 administrator entail?

8 A. A lot of data, data.

9 Q. And what do you mean by that?

10 A. So as an assistant principal
11 primarily of a graduating class, there's
12 data that has to be compiled based on their
13 cohort, based on their graduation
14 requirements, based on NJ SMART.

15 Q. Okay. And what did you do
16 with that data?

17 A. Made sure students, A, were
18 able to graduate, that's the number one
19 focus. Created reports so that they could
20 be sent to the state based on 12th grade
21 graduation rates and so on.

22 Q. All right. And then from
23 2012 to 2014, you were administrator on
24 call, assistant principal high school,
25 building principal elementary. Could you

CONFIDENTIAL

Page 39

1 explain what your role was during that time
2 period?

3 A. Primarily a teacher, but when
4 I'm called, I would go in and be an
5 administrator.

6 Q. And what did you teach?

7 A. Social studies.

8 Q. And from 2004 to 2014, you
9 were also a teacher at Irvington High
10 School?

11 A. That is correct.

12 Q. And you taught personal
13 finance and history?

14 A. Yeah, social studies in
15 general, yes.

16 Q. And from 1999 to 2004, you
17 were a fifth grade teacher at Grove Street
18 School; is that right?

19 A. That sounds about right.

20 Q. Grove Street School is part
21 of IPS?

22 A. That is correct.

23 Q. So you have been employed by
24 IPS for over 26 years from 1999 to the
25 present; is that right?

CONFIDENTIAL

Page 40

1 A. Sounds about right.

2 Q. And before that, you worked
3 at Sojourn School in Newark, New Jersey?

4 A. That is correct.

5 Q. That's not part of IPS, is
6 it?

7 A. No.

8 Q. And you worked with fifth
9 through 12th graders at Sojourn School?

10 A. From what I recall, yes.

11 Q. Were you a teacher at Sojourn
12 School in Newark?

13 A. I was.

14 Q. And from 1996 to 1997, you
15 worked at Ogden Residential Juvenile
16 Justice facility in Newark; is that right?

17 A. I believe so.

18 Q. Did you work there in a
19 culinary capacity?

20 MS. SCULLION: Objection to
21 form.

22 THE WITNESS: I don't
23 remember, sir.

24 BY MR. SHAHIDPOUR:

25 Q. Okay. Before that, you

CONFIDENTIAL

Page 41

1 worked at Disney World; is that right, in
2 1995?

3 A. That is correct.

4 Q. And before that, you worked
5 at Academy of Saint Benedict's in Newark,
6 New Jersey, as a fifth grade teacher it
7 looks like?

8 A. It sounds about right.

9 Q. Have you ever -- is that a
10 complete list of your professional work
11 experience?

12 A. Sounds pretty close.

13 Q. Have you ever worked as a
14 mental health counselor?

15 A. I don't believe so.

16 Q. Have you ever worked as a
17 school psychologist?

18 A. No, sir.

19 Q. Have you ever worked as a
20 guidance counselor?

21 A. No, sir.

22 Q. Have you ever worked in the
23 budget and finance department?

24 A. No, sir.

25 Q. Okay. And you told me

CONFIDENTIAL

Page 42

1 earlier that this isn't your first
2 deposition. You said you were previously
3 deposed in a real estate context?

4 MS. SCULLION: Objection.
5 Mischaracterizes the testimony.

6 THE WITNESS: I believe so. I
7 don't even remember. It was many
8 years ago.

9 BY MR. SHAHIDPOUR:

10 Q. Do you remember any details
11 about that deposition?

12 MS. SCULLION: Objection.
13 Mischaracterizes the testimony.
14 Assumes facts not in evidence.

15 THE WITNESS: I don't believe
16 so.

17 BY MR. SHAHIDPOUR:

18 Q. Okay. Have you ever
19 testified in court?

20 A. I did.

21 Q. When did you testify in
22 court?

23 A. Is a divorce testimony?

24 Q. Is that the only time?

25 A. Yeah, I believe so.

CONFIDENTIAL

Page 43

1 Q. Okay. Have you ever been
2 charged with a crime?

3 A. No, sir.

4 Q. Have you -- sorry, Mr.
5 Amberg, it gets a little bit personal, but
6 just bear with me, have you ever been
7 subject to any disciplinary action in your
8 professional capacity?

9 A. No.

10 Q. Have you ever been
11 investigated for any alleged misconduct in
12 your professional capacity?

13 A. No.

14 Q. I will hand you what will be
15 marked as Exhibit 2, this is tab three.

16 MS. SCULLION: Thank you.

17 - - - - -

18 (Defendants' Notice of Oral
19 and Videotaped Deposition of John
20 Amberg; Request for Production of
21 Documents marked Amberg Exhibit 2
22 for identification.)

23 - - - - -

24 BY MR. SHAHIDPOUR:

25 Q. Have you seen this before,

CONFIDENTIAL

Page 44

1 Mr. Amberg?

2 MS. SCULLION: Let the witness
3 look through the document.

4 BY MR. SHAHIDPOUR:

5 Q. Consider that an invitation
6 to look through the document, Mr. Amberg.

7 A. Yes, I've seen it.

8 Q. When have you seen it?

9 A. I don't remember exactly. A
10 couple of weeks ago.

11 Q. And what is your
12 understanding of why you're here to testify
13 today?

14 MS. SCULLION: Objection to
15 form.

16 THE WITNESS: To tell the
17 truth, the whole truth, and nothing
18 but the truth.

19 BY MR. SHAHIDPOUR:

20 Q. Excellent. That's all we can
21 ask for, Mr. Amberg. Did you do anything
22 to prepare for today's deposition?

23 A. Can you explain that again?

24 Q. Did you review any documents
25 in anticipation of today's deposition?

CONFIDENTIAL

Page 45

1 MS. SCULLION: You can answer
2 the question yes or no.

3 THE WITNESS: Yes.

4 BY MR. SHAHIDPOUR:

5 Q. What documents did you review
6 in anticipation of today's deposition?

7 MS. SCULLION: So I'm going to
8 object and instruct the witness
9 that you can answer that question
10 with respect to any documents that
11 you may have looked at on your own,
12 but to the extent that they were
13 documents that were shown to you by
14 any lawyers in the course of
15 preparing for today's deposition,
16 you should not identify that,
17 because that is both privileged and
18 work product information.

19 MR. SEXTON: This is Terry
20 Sexton from Meta. I just want to
21 put on the record I want to dispute
22 that interpretation of the rules
23 regarding privilege. We can take
24 it up later, but I think we're
25 entitled to know what the witness

CONFIDENTIAL

Page 46

1 has reviewed. We're not entitled
2 to know what you showed him or what
3 he showed you, but we are entitled
4 to know what he's looked at, so I
5 don't accept that exclusion. I
6 just wanted that noted for the
7 record.

8 MS. SCULLION: So noted.

9 THE WITNESS: Nothing.

10 BY MR. SHAHIDPOUR:

11 Q. And is that you have not
12 reviewed any documents --

13 A. On my own, no.

14 MS. SCULLION: What's the
15 question?

16 MR. SHAHIDPOUR: I was going
17 to finish my question. You haven't
18 reviewed any documents apart from
19 any that counsel may have given
20 you?

21 MS. SCULLION: You can answer.

22 THE WITNESS: That is correct.

23 BY MR. SHAHIDPOUR:

24 Q. And did any of the documents
25 you reviewed refresh your recollection

CONFIDENTIAL

Page 47

1 about events that occurred while you were
2 an employee of IPS?

3 A. No, sir.

4 Q. Did you speak with anyone in
5 preparation for today's deposition?

6 MS. SCULLION: Apart from
7 counsel, is that the question?

8 MR. SHAHIDPOUR: I'm asking.

9 MS. SCULLION: Okay. So you
10 can answer that question -- first
11 answer the question yes or no,
12 apart from counsel.

13 MR. SHAHIDPOUR: No, my
14 question on the record is did you
15 speak with anyone in preparation
16 for today's deposition?

17 THE WITNESS: Yes.

18 BY MR. SHAHIDPOUR:

19 Q. And who did you speak with?

20 MS. SCULLION: You can answer.

21 THE WITNESS: Counsel. I told
22 my secretary I'm going in for a
23 deposition, not to book me. The
24 team, that I'm going to be out for
25 all day today.

CONFIDENTIAL

Page 48

1 BY MR. SHAHIDPOUR:

2 Q. Okay. And when did you speak
3 with counsel?

4 A. Yesterday and this morning.
5 And it might have been one other time, I
6 don't remember, but definitely yesterday
7 and today.

8 Q. So two or three times you've
9 spoken with counsel in preparation for
10 today's deposition. How long did those
11 meetings last with -- how long did the
12 meetings with counsel last in preparation
13 for this deposition?

14 A. Altogether, a couple of
15 hours.

16 Q. And when you say you were --
17 you met with counsel, who is that?

18 A. It would be my lawyers.

19 Q. And who are your lawyers?

20 A. Jen, Carlos.

21 - - - - -

22 (Discussion was held off the record.)

23 - - - - -

24 MR. SHAHIDPOUR: Great.

25 THE WITNESS: So, I'm sorry, I

CONFIDENTIAL

Page 49

1 don't remember your name.

2 MS. DeGROFF: Emma.

3 THE WITNESS: Emma.

4 BY MR. SHAHIDPOUR:

5 Q. Emma. So Jen, Carlos, and
6 Emma, anyone else?

7 A. No.

8 Q. Do you have any documents
9 with you today at this deposition?

10 A. The Wi-Fi password.

11 Q. Great. Noted. I'll mark
12 that as an exhibit.

13 A. So I did speak to you guys
14 giving you the Wi-Fi password in the past
15 couple of days.

16 Q. That's right. Is there
17 anyone else that you spoke with?

18 A. No.

19 Q. Great. Well, I forgot to
20 mention, Mr. Amberg, but if there's at any
21 point where you want to take a break, let
22 us know and we'll see what we can do. We
23 will try to accommodate you as much as we
24 can.

25 Let's turn to page 6 of

CONFIDENTIAL

Page 50

1 Exhibit 2 in front of you. And take a
2 moment to just scan, if you haven't
3 already, but looking specifically at
4 question four, do other individuals at IPS
5 review your performance?

6 A. Repeat the question.

7 Q. Sure. Do other individuals
8 at IPS review your performance as executive
9 director of technology and media services?

10 A. Yes.

11 Q. And did they also -- did
12 individuals at IPS also review your
13 performance as director of technology and
14 media services?

15 A. That is correct.

16 Q. Who would have reviewed your
17 performance in both in either -- starting
18 with executive director?

19 A. The assistant to the
20 assistant, the assistant, the other
21 assistant, and the superintendent.

22 Q. And would that also be the
23 same list of individuals who review your
24 performance as director of technology and
25 media services?

CONFIDENTIAL

Page 51

1 A. Correct.

2 Q. And did they review your
3 performance periodically?

4 A. Yes.

5 Q. And is that on a quarterly
6 basis?

7 A. Can you rephrase the question
8 just so I can --

9 Q. Sure. I'm happy to. So you
10 testified that your performance is reviewed
11 periodically by that list of individuals.
12 What is the period -- what is the period?

13 A. Formal or informal?

14 Q. Let's go with formal.

15 A. Twice a year.

16 Q. Twice a year. Each semester?

17 A. Close, yes.

18 Q. And do any of your formal
19 performance reviews relate to setting or
20 enforcing policy regarding students' use of
21 electronic devices or social media
22 services?

23 MS. SCULLION: Objection to
24 form.

25 THE WITNESS: I believe it's

CONFIDENTIAL

Page 52

1 based on Marzano.

2 BY MR. SHAHIDPOUR:

3 Q. I'm sorry, I didn't hear
4 that.

5 A. I believe it's based on
6 Marzano.

7 Q. What do you mean by, "based
8 on Marzano"?

9 A. Teachers are based on one set
10 of criteria that the state of New Jersey
11 approves, Charlotte Danielson. And the
12 administrators are based on Marzano, which
13 is another form that the state of New
14 Jersey approves for administrators.

15 Q. So is that a list of criteria
16 on which you're reviewed?

17 A. Yes, similar to that.

18 Q. How would it differ?

19 MS. SCULLION: Objection to
20 form.

21 THE WITNESS: There's
22 components, there's criteria, there
23 are domains, that sort of thing.

24 BY MR. SHAHIDPOUR:

25 Q. Okay. So does the Marzano

CONFIDENTIAL

Page 53

1 include setting or enforcing policy
2 regarding students' use of electronic
3 devices?

4 MS. SCULLION: Objection to
5 form.

6 THE WITNESS: I don't believe
7 it does.

8 BY MR. SHAHIDPOUR:

9 Q. Okay. Does it include
10 setting or enforcing policy regarding
11 teachers' use of electronic devices?

12 MS. SCULLION: Objection to
13 form.

14 THE WITNESS: I don't believe
15 Marzano does.

16 BY MR. SHAHIDPOUR:

17 Q. Does Marzano include -- when
18 you're reviewed pursuant to Marzano, are
19 you reviewed in terms of your performance
20 of setting or enforcing policy regarding
21 monitoring or treating mental, social,
22 emotional, or behavioral health of
23 students?

24 MS. SCULLION: Objection to
25 form.

CONFIDENTIAL

Page 54

1 THE WITNESS: I don't believe
2 it does.

3 BY MR. SHAHIDPOUR:

4 Q. Does Marzano include review
5 of your performance in studying, measuring,
6 or reporting on mental, social, emotional,
7 or behavioral health of students?

8 MS. SCULLION: Objection to
9 form.

10 THE WITNESS: I don't believe
11 it does.

12 BY MR. SHAHIDPOUR:

13 Q. Does Marzano include review
14 of your performance in setting policy
15 regarding student discipline?

16 A. I don't believe it does.

17 Q. Does Marzano include a review
18 of your performance in enforcing policy
19 regarding student discipline?

20 A. I don't believe it does.

21 Q. And does Marzano include
22 setting policy, review -- excuse me, strike
23 that.

24 Does Marzano include review
25 of your performance in setting policy

CONFIDENTIAL

Page 55

1 regarding staff discipline?

2 A. I believe professionalism
3 would be the terminology.

4 Q. Okay. Does any performance
5 review that you've received as an IPS
6 administrator relate to staff discipline?

7 MS. SCULLION: Objection to
8 form.

9 THE WITNESS: I don't recall.
10 BY MR. SHAHIDPOUR:

11 Q. And then do you submit
12 self-evaluations as part of -- as a regular
13 part of your formal performance reviews at
14 IPS?

15 A. We answer post-eval
16 questions.

17 Q. Sorry. You answer post-eval
18 questions, is that what you --

19 A. Uh-huh.

20 Q. And what are post-eval
21 questions?

22 A. After the evaluation, there's
23 a set of questions that I don't recall, but
24 are asked of administrators, and there's
25 things that are asked for teachers, but the

CONFIDENTIAL

Page 56

1 Charlotte Danielson method for teachers.

2 Q. And you are asked to sort of
3 self-evaluate your performance in these
4 post-evaluation questions?

5 MS. SCULLION: Objection to
6 form.

7 THE WITNESS: Yes.

8 BY MR. SHAHIDPOUR:

9 Q. Mr. Amberg, I'm handing you
10 what has been marked or what will be marked
11 Exhibit 3. You can put Exhibit 2 to the
12 side.

13 MS. SCULLION: Thank you.

14 THE EXHIBIT TECH: Tab?

15 MR. SHAHIDPOUR: That is tab
16 four.

17 MS. SCULLION: She's going to
18 put the sticker on there.

19 THE WITNESS: I can help you
20 with that.

21 - - - - -

22 (Email String Bates

23 BW__Irvington00238419 marked

24 Amberg Exhibit 3 for

25 identification.)

CONFIDENTIAL

Page 57

1 - - - - -

2 BY MR. SHAHIDPOUR:

3 Q. Please take a moment and
4 review the document and let me know when
5 you have ever seen it before.

6 A. I am vaguely familiar with
7 this, yes.

8 Q. This email is from 2013?

9 A. That is correct.

10 Q. That's when you were
11 assistant principal at Irvington High
12 School; is that right?

13 A. That is correct.

14 Q. And you mentioned that you
15 worked a lot with data and data analysis
16 while you were assistant principal; is that
17 right?

18 A. That is correct.

19 Q. And what you've attached --
20 and this email is from you; is that right?

21 A. As far as I see.

22 Q. And you attached a
23 presentation entitled, "Informed Decision
24 Making Through Data Analysis
25 final.PowerPoint"?

CONFIDENTIAL

Page 58

1 MS. SCULLION: Objection to
2 form in terms of completeness. I
3 don't see an attachment here.

4 BY MR. SHAHIDPOUR:

5 Q. Looking under the "to" line
6 in this email, you sent the email to a
7 number of people; is that right?

8 A. That is correct.

9 Q. And then under that the
10 exhibit -- Exhibit 3 notes that there's an
11 attachment to the email that you sent; is
12 that right?

13 A. It looks that way.

14 Q. And the title of the
15 attachment looks -- or is, "Informed
16 Decision Making Through Data Analysis
17 Final.PowerPoint;" is that right?

18 MS. SCULLION: Objection to
19 form.

20 THE WITNESS: It looks like
21 it.

22 BY MR. SHAHIDPOUR:

23 Q. I'll hand you what will be
24 marked as Exhibit 4.

25 MS. SCULLION: Thank you.

CONFIDENTIAL

Page 59

1 MR. SHAHIDPOUR: This is 4A.

2 MS. SCULLION: Now I'm
3 confused. We just had what I
4 thought was three, am I off by one?
5 It's Exhibit 3?

6 MR. SHAHIDPOUR: Now I'm
7 marking Exhibit 4, which is the
8 attachment to Exhibit 3.

9 MS. SCULLION: Okay. So he
10 said 4A, that's why I was
11 confused --

12 MR. SHAHIDPOUR: Tab 4A --

13 MS. SCULLION: -- oh, thank
14 you.

15 MR. SHAHIDPOUR: -- for the
16 trial tech.

17 MS. SCULLION: Got it. Too
18 many numbers floating around.
19 Okay.

20 THE WITNESS: So is this 4A?

21 MS. SCULLION: No, this is
22 four for us.

23 - - - - -

24 (PowerPoint entitled
25 "Informed Decision Making Through

CONFIDENTIAL

Page 60

1 Data Analysis" Bates
2 BW__Irvington00238420 marked
3 Amberg Exhibit 4 for
4 identification.)

5 - - - - -

6 BY MR. SHAHIDPOUR:

7 Q. And, for the record, this is
8 a document that was produced in native
9 format with Bates ending in 8420. And we
10 have pulled that native format as the rest
11 of the document.

12 And, Mr. Amberg, I'll
13 represent to you that this is the
14 attachment to the email that I just showed
15 you as Exhibit 3. Do you have any reason
16 to doubt that this is the attachment to the
17 email that you sent?

18 MS. SCULLION: So take some
19 time to look through. Counsel, do
20 you have, I mean, do you have the
21 metadata that shows the
22 parent-child relationship?

23 MR. SHAHIDPOUR: You can look
24 at the Bates, the Bates for this
25 document follows immediately after

CONFIDENTIAL

Page 61

1 the parent email.

2 MS. SCULLION: I'm just -- I
3 mean I'm just assuming that the
4 metadata actually reflects that
5 this is the child, the parent-child
6 relationship; is that right?

7 MR. SHAHIDPOUR: Yes.

8 MS. SCULLION: Is there a
9 reason not just produce, to just
10 use it as one exhibit, I'm just
11 trying to understand the logic
12 here?

13 MR. SHAHIDPOUR: Just to keep
14 different documents different as
15 different exhibits, but that's our
16 preference.

17 MS. SCULLION: Okay. I mean,
18 I will state I think it's unfair to
19 ask the witness to confirm whether
20 this is the attachment. We can go
21 ahead with it, but we really should
22 have the metadata here, if you're
23 going to ask him about a 2015 email
24 to confirm under oath whether this
25 in fact the attachment when the

CONFIDENTIAL

Page 62

1 metadata would show whether it was.

2 MR. SEXTON: This is the Terry
3 Sexton from Meta, I just want note
4 that the long speaking objection is
5 inappropriate under the federal
6 rules.

7 MS. SCULLION: So noted.

8 BY MR. SHAHIDPOUR:

9 Q. Let me know when you've had a
10 chance to review, Mr. Amberg.

11 A. Okay.

12 Q. Can you turn back to the
13 first page of the native file, please?

14 A. Native meaning.

15 Q. Meaning following the slip
16 sheet, so it would be the second page, the
17 start of the PowerPoint.

18 A. Okay.

19 Q. This is a PowerPoint
20 entitled, "Informed Decision Making Through
21 Data Analysis;" is that right?

22 A. That's what it says.

23 Q. And did you create this
24 PowerPoint?

25 A. I did not.

CONFIDENTIAL

Page 63

1 Q. You did not. Do you see your
2 name listed under the title of the
3 PowerPoint?

4 A. Along with Sean Evans and
5 D'Antonio, if you look, open this up, and
6 you go to this page, do you see the name
7 here?

8 Q. Sure.

9 A. And then if you keep going,
10 do you see the name here?

11 Q. Sure. So did you create a
12 portion of this PowerPoint?

13 A. I believe, based on the date,
14 that this was part of our certification
15 process, so I believe this was part of a
16 class.

17 Q. So my question is whether you
18 created this PowerPoint?

19 A. I don't remember. What I do
20 remember is being in class with them and
21 for a certification process and I think it
22 was a collaborative effort probably between
23 many people.

24 Q. Sure. Did you present this
25 presentation to anyone?

CONFIDENTIAL

Page 64

1 A. That, I definitely don't
2 remember.

3 Q. So what was the purpose of
4 this presentation?

5 A. I don't remember that either,
6 but -- I don't remember.

7 Q. So a minute ago, you ran
8 through various pages of the presentation;
9 is that right?

10 A. Rephrase.

11 Q. I just want to check -- a
12 minute ago, you looked through the
13 presentation; is that right?

14 A. That is correct.

15 Q. Did looking through it jog
16 your memory as to what the purpose of the
17 presentation may have been?

18 A. What I think what I told you
19 is I believe this was part of our
20 certification process and it was something
21 that we presented both to our certification
22 class and then I'm guessing to -- but this
23 is, I don't remember, I guess also
24 presented it to other administrators.

25 MS. SCULLION: Mr. Amberg, I'm

CONFIDENTIAL

Page 65

1 just going to remind you. You use
2 the word "guess" a few times in
3 your answer, so you should not be
4 guessing today. You should be
5 testifying based on actual
6 recollections and knowledge.

7 BY MR. SHAHIDPOUR:

8 Q. Let's turn to the next page,
9 Mr. Amberg.

10 A. Sure.

11 Q. In your role as assistant
12 principal at Irvington High School, did you
13 on occasion analyze certain types of data
14 relating to students?

15 A. Yes.

16 Q. Would the type of data that
17 you analyzed include failure rates?

18 A. Absolutely.

19 Q. Would it include failure
20 rates among certain subgroups of students?

21 A. Me personally?

22 Q. Yes.

23 A. Twelfth grade.

24 Q. Twelfth grade. Did you ever
25 analyze any failure rates for students

CONFIDENTIAL

Page 66

1 other than 12th graders?

2 A. 11RR --11Rs, 10RRs, and
3 9RRRs.

4 Q. Could you explain what you
5 mean by "RR"?

6 A. Sure. There's something
7 called a cohort. When a student enters
8 high school, they enter in a cohort. If
9 they fall behind, they're still part of
10 that cohort, but possibly in a different
11 grade.

12 Q. And so you analyzed a
13 particular cohort?

14 A. The 12th grade cohort.

15 Q. And then when you were
16 saying, "RR," what did you mean by that?

17 A. Retained retained.

18 Q. Retained retained?

19 A. Correct.

20 Q. What does that mean?

21 A. Held back.

22 Q. Okay.

23 A. So they're still part of the
24 cohort, they were just retained.

25 Q. Got it. Did you have

CONFIDENTIAL

Page 67

1 occasion to review attendance issues
2 amongst students at Irvington High School
3 in your role as assistant principal?

4 A. Twelfth grade.

5 Q. You never reviewed attendance
6 issues for students other than 12th
7 graders?

8 A. Twelfth grade is the
9 graduating year. It must be spot on. My
10 students must graduate. They have to go
11 onto college or a career. So my focus, my
12 sole focus, is to make sure my students are
13 getting into that college, they're getting
14 educated, they're going on to the best
15 career they possibly can have.

16 Q. Sure. I understand that and
17 I understand it's extremely important. My
18 question was -- well, when you say it was
19 your sole focus, does that mean that you
20 didn't analyze any data relating to
21 anything relating to students other than
22 12th graders?

23 MS. SCULLION: Objection to
24 form and mischaracterizes the
25 testimony.

CONFIDENTIAL

Page 68

1 BY MR. SHAHIDPOUR:

2 Q. I'm asking him.

3 A. 11RRs, 10RRs, and 9RRRs.

4 Q. So in this presentation
5 that's the second slide after the first
6 slide with your name on it, it notes that,
7 "On average 9th graders have the highest
8 failure rate;" is that right?

9 MS. SCULLION: Are you asking
10 what it says?

11 THE WITNESS: I believe that's
12 what's written on the page.

13 BY MR. SHAHIDPOUR:

14 Q. And on this slide, it says,
15 "On average 9th graders have the most
16 attendance issues;" is that right?

17 MS. SCULLION: I'm sorry,
18 objection to form. Counsel, my
19 question is, are you -- you say is
20 that right, are you asking him is
21 that accurate or is it correct that
22 that's what it says?

23 MR. SHAHIDPOUR: Counsel, I'm
24 asking my questions and if he has a
25 clarifying question, he can ask it

CONFIDENTIAL

Page 69

1 and I ask that you keep your
2 speaking objections to a minimum --

3 MS. SCULLION: And I'm trying
4 to suggest --

5 MR. SHAHIDPOUR: You can
6 object to form.

7 MS. SCULLION: I'm trying to
8 suggest a way to get just through
9 this more quickly. I found your
10 question vague on a very important
11 issue. If you're asking about is
12 that an accurate statement
13 factually or are you asking whether
14 it's on the page?

15 BY MR. SHAHIDPOUR:

16 Q. Mr. Amberg, is it true on
17 average that -- strike that.

18 Mr. Amberg, does it say on
19 this page that, "on average 9th graders
20 have the most attendance issues"?

21 A. It does say that on this
22 page.

23 Q. Do you have any reason to
24 dispute that that was true at the time of
25 this presentation?

CONFIDENTIAL

Page 70

1 A. I don't know, primarily,
2 because I was in charge of 12th grade.

3 Q. And then does it say on this
4 presentation that, "On average 9th graders
5 have the highest disciplinary referrals"?

6 A. It is written on this page,
7 yes, sir.

8 Q. And do you have any reason to
9 doubt that that was true in 2015?

10 A. Once again, I'm not sure,
11 because my primary job was to make sure
12 12th graders went on to college, went on to
13 a career, and make the best of their lives.

14 Q. And then so as part of your
15 job, did you have to obtain certain
16 certifications?

17 A. Me personally?

18 Q. Yes.

19 A. Yes.

20 Q. And you testified earlier
21 that you suspect that this document may
22 have been something that you participated
23 in creating in the course of obtaining a
24 certification?

25 A. Correct.

CONFIDENTIAL

Page 71

1 Q. And so these slides that
2 follow the title slide that has your name
3 on it, could they have been slides that you
4 created in the course of obtaining that
5 certification?

6 MS. SCULLION: Objection to
7 form. Lacks foundation.

8 THE WITNESS: I don't
9 remember, but that's what I
10 suspect --

11 BY MR. SHAHIDPOUR: --

12 Q. Okay.

13 A. -- based on the dates and the
14 people who participated in it.

15 Q. And let's talk a little bit
16 more generally. Was it your experience as
17 assistant principal that Irvington High
18 School used data analysis for making
19 decisions about class failures?

20 A. Could you explain that?

21 Q. In your experience as
22 assistant principal at Irvington High
23 School, was it the case that Irvington High
24 School's administration conducted data
25 analysis to make decisions regarding

CONFIDENTIAL

Page 72

1 students' class failures?

2 MS. SCULLION: Objection to
3 form. Vague.

4 THE WITNESS: I can tell you
5 for 12th grade, I did a lot of data
6 analysis. I can't speak to any
7 others, primarily because each
8 assistant principal had their grade
9 level.

10 BY MR. SHAHIDPOUR:

11 Q. I understand that. Did you
12 speak with other assistant principals about
13 their -- about the work they were doing for
14 their grade levels?

15 A. I don't remember speaking
16 specifically about that, no, sir. We spoke
17 all the time though.

18 Q. You didn't speak about
19 methods of data analysis with other
20 assistant principals while you were an
21 assistant principal at Irvington High?

22 MS. SCULLION: Objection to
23 form.

24 THE WITNESS: I basically
25 conducted my data analysis with my

CONFIDENTIAL

Page 73

1 guidance counselors, with my
2 teachers to make sure that every
3 single student had the best pathway
4 to graduate.

5 BY MR. SHAHIDPOUR:

6 Q. Did you present the findings
7 of your data analysis to people?

8 A. To the state.

9 Q. To the state. That's to the
10 state of New Jersey, was it -- excuse me.
11 To who at the state did you present your
12 findings?

13 A. Present meaning I hand in a
14 report form NJ SMART, there are all
15 different state reports that are sent in,
16 but --

17 Q. Sorry, did I cut you off?

18 A. Yes.

19 Q. I'm sorry?

20 A. I did not present as in
21 speaking to the state, no.

22 Q. Got it. Did you ever present
23 findings of your data analysis to
24 administrators at IPS?

25 A. The 12th grade findings, of

CONFIDENTIAL

Page 74

1 course, that's how we knew who is
2 graduating and not.

3 Q. And then did IPS
4 administrators make decisions based on the
5 data analysis that you provided to them?

6 MS. SCULLION: Objection to
7 form. Lacks foundation. Calls for
8 speculation.

9 THE WITNESS: Can you just
10 rephrase that, please?

11 BY MR. SHAHIDPOUR:

12 Q. Are you aware of -- for what
13 purpose did you provide data analysis to
14 IPS administrators?

15 A. How many graduation gowns we
16 should purchase, transcripts we should be
17 getting ready to send out, how many
18 students -- what would the graduation
19 percentage rate be, how many students
20 dropped out, how many students transferred,
21 how many students transferred into, like,
22 to another school in New Jersey compared to
23 outside New Jersey compared to, let's say,
24 internationally.

25 Q. All right. So those are the

CONFIDENTIAL

Page 75

1 types of data of the data analysis that you
2 provided. I was asking for what purpose
3 you provided those various categories of
4 data to the Irvington Public Schools
5 administrators.

6 MS. SCULLION: Asked and
7 answered.

8 THE WITNESS: Graduation caps
9 and gowns, transcript, how many
10 transcripts should be purchased,
11 you know, made. Who would be
12 graduating, who wouldn't.

13 BY MR. SHAHIDPOUR:

14 Q. Did Irvington Public Schools
15 administrators ever make decisions relating
16 to new programs or initiatives based on the
17 data analysis that you provided about 12th
18 graders?

19 MS. SCULLION: Objection to
20 form, lacks foundation, and calls
21 for speculation.

22 THE WITNESS: This is 12th
23 grade, correct?

24 BY MR. SHAHIDPOUR:

25 Q. Yes.

CONFIDENTIAL

Page 76

1 A. So if we were performing new
2 programs for the next year, are you talking
3 about in their college?

4 Q. So to illustrate -- well,
5 let's walk it back. Irvington Public
6 Schools may have made new decisions for
7 incoming 12th graders for the following
8 year based on data analysis that you
9 provided about Irvington High School
10 students -- excuse me, 12th graders from
11 the prior year; is that right?

12 MS. SCULLION: Objection to
13 form. Lacks foundation. Calls for
14 speculation.

15 THE WITNESS: New programs,
16 no, not necessarily. They're on a
17 pathway already, especially if
18 they're in pathways, so it's how to
19 keep them on the pathway so that
20 they can graduate, go on and be
21 able to have a successful career.
22 That's the main point. So making
23 sure they graduate, making sure
24 that they obtain the classes they
25 need to obtain so that they can,

CONFIDENTIAL

Page 77

1 based on the criteria, set about by
2 the state of New Jersey.

3 BY MR. SHAHIDPOUR:

4 Q. All right. Thank you, Mr.
5 Amberg. Could you turn the page to --

6 MS. SCULLION: Counsel, can I
7 suggest if you're going to move on
8 to something else, it has been just
9 a little over an hour, maybe take a
10 little break?

11 MR. SHAHIDPOUR: Yeah, that
12 sounds good.

13 MS. SCULLION: Great. Okay.

14 THE VIDEOGRAPHER: The time
15 right now is 10:37 a.m. We are off
16 the record.

17 - - - - -

18 (A recess was taken at this time.)

19 - - - - -

20 THE VIDEOGRAPHER: The time
21 right now is 10:53 a.m. We are
22 back on the record.

23 BY MR. SHAHIDPOUR:

24 Q. Hello again, Mr. Amberg. Do
25 you have Exhibit 4 still in front of you?

CONFIDENTIAL

Page 78

1 A. I do.

2 Q. Could you turn to the page
3 that says, "Student Attendance YTD"? It's
4 labeled five on the bottom right of that
5 exhibit.

6 A. Uh-huh.

7 Q. Was Irvington High School
8 meeting targets for student attendance
9 during the 2014 to 2015 school year?

10 MS. SCULLION: Objection to
11 form.

12 THE WITNESS: I don't recall.
13 And, again, my main focus were the
14 12th graders, but in all honesty, I
15 don't remember what -- if we were
16 meeting criteria or not. But we
17 were always trying to strive for
18 higher. Because our goal is to
19 graduate every single student no
20 matter what, because we want our
21 students to have the best quality
22 life they possibly could.

23 BY MR. SHAHIDPOUR:

24 Q. Understood. Looking at the
25 chart here on Exhibit 4 under student

CONFIDENTIAL

Page 79

1 attendance, does it reflect that all
2 students year to date were at 90 percent
3 attendance?

4 A. That's what it seems to
5 indicate. I don't remember though exactly.

6 Q. And just as a refresher,
7 since we took a break, this is a document
8 that has your name on it under the title;
9 is that right?

10 A. I believe it's my name plus
11 others.

12 Q. Right. The first page of the
13 document has your name under, "Informed
14 Decision Making Through Data Analysis"?

15 A. That's correct.

16 Q. And then does anyone else's
17 name appear in the interim before we get to
18 this chart called, "Student Attendance Year
19 to Date"?

20 A. I don't believe so, but I
21 don't remember who put this together and
22 the order it was put together, so I don't
23 know.

24 Q. Would someone else have put
25 together a document and then put your name

CONFIDENTIAL

Page 80

1 on it?

2 MS. SCULLION: Objection to
3 form, foundation.

4 THE WITNESS: Well, again, if
5 this was from what I'm speculating,
6 what I believe, it's from the
7 classes that we had to take in
8 order for us to receive our
9 standard our certification. Then
10 it could have been any one of that
11 team, whether both here in our core
12 team or even with the others that
13 were in those classes together for
14 their standard certification.

15 BY MR. SHAHIDPOUR:

16 Q. Understood. Other names
17 appear other elsewhere in the document as
18 you pointed out earlier, right?

19 A. Uh-huh.

20 MS. SCULLION: I'm sorry, you
21 need to say, "yes" or "no."

22 THE WITNESS: Yes.

23 MS. SCULLION: Thank you.

24 BY MR. SHAHIDPOUR:

25 Q. And different sections of

CONFIDENTIAL

Page 81

1 this document follow different title pages
2 that have other individuals' names on them,
3 right?

4 MS. SCULLION: Objection to
5 form.

6 THE WITNESS: With the exact
7 same title though, correct?

8 BY MR. SHAHIDPOUR:

9 Q. That's right, yeah.

10 A. Uh-huh.

11 Q. There isn't a title page at
12 the very beginning that says everyone's
13 name, right?

14 A. That is correct.

15 Q. Okay. Let's go back to that
16 "Student Attendance Year to Date" page. Do
17 you have any reason to doubt the accuracy
18 of the data reflected in this table?

19 A. I see what's written here, so
20 and it's 2015, I don't remember the exact
21 data even from my own particular cohorts,
22 but I see what is written here.

23 Q. Right. And it's something
24 that -- scratch that.

25 What you see written here is

CONFIDENTIAL

Page 82

1 a presentation that you and your colleagues
2 put together, right?

3 MS. SCULLION: Objection to
4 form. Vague.

5 THE WITNESS: Colleagues
6 meaning teachers -- I'm sorry,
7 administrators in the class, there
8 might have been about 20 of us in
9 that class, along with if you're
10 compiling these things and working
11 on it in the class, and then also
12 my colleagues working in the school
13 subset of that. So that's all the
14 possibilities.

15 BY MR. SHAHIDPOUR:

16 Q. And you have reason -- do you
17 have reason to believe that anyone other
18 than the three individuals whose names are
19 listed in this presentation contributed to
20 this document?

21 A. Oh, 100 percent.

22 Q. Who would that be?

23 A. I don't remember now, but
24 everybody that was in our cohort, we were
25 all contributing to each other, it was kind

CONFIDENTIAL

Page 83

1 of like we're sitting around this table now
2 and discussing, and add this point, that
3 point, we had our mentor who also
4 contributed, I don't remember her name
5 either, sorry, but that's how certification
6 processes work.

7 Q. So you all --

8 MR. SEXTON: I'm sorry to
9 interrupt, I got a note that we
10 don't have the video turned on.

11 MS. SCULLION: Okay. Go off
12 the record for one second.

13 THE VIDEOGRAPHER: It's on
14 now.

15 MR. SEXTON: Okay. Thank you.

16 MS. SCULLION: Thanks.

17 BY MR. SHAHIDPOUR:

18 Q. So you all -- let's go back a
19 little bit. You circulated this
20 presentation as we noted earlier; is that
21 right?

22 A. I believe that was the email.

23 Q. And you circulated to a
24 number of other administrators?

25 A. All the administrators, which

CONFIDENTIAL

Page 84

1 is part of the -- what I believe is the
2 certification process.

3 Q. All right. Let's move on to
4 the next slide titled, "Absenteeism." Are
5 you with me?

6 A. I am.

7 Q. Do you have any reason to
8 doubt the data in this table? This is the
9 one that immediately follows student
10 attendance.

11 MS. SCULLION: So I think we
12 should make absolutely sure we're
13 absolutely on the same page. Do
14 you see what's on the screen?

15 THE WITNESS: I'm seeing it.

16 MS. SCULLION: That's the page
17 you want?

18 MR. SHAHIDPOUR: Yes.

19 MS. SCULLION: And that's the
20 page you have. Great.

21 THE WITNESS: The only one I
22 can speak to that I have any sort
23 of familiarity with would be the
24 12th grade and that looks -- should
25 be about right.

CONFIDENTIAL

Page 85

1 BY MR. SHAHIDPOUR:

2 Q. Okay. Do you have any reason
3 to doubt the other data in this table?

4 MS. SCULLION: Objection.
5 Lacks foundation. And asked and
6 answered.

7 THE WITNESS: Sir, maybe
8 you're not familiar with what
9 administrators do, but they're --
10 we are there to make sure our
11 students and for me, the 12th grade
12 have the best possible foundation
13 for their future. So with that
14 being said, we really, and
15 especially 12th grade, it's the
16 most critical year, because this is
17 the year they graduate, hopefully,
18 graduate. And with that being
19 said, we do anything and everything
20 to support them and that means
21 everything from a prom, right, to
22 senior day, all those things that's
23 on our plate. Making sure that all
24 their testing has taken place.
25 That's part of the data, right,

CONFIDENTIAL

Page 86

1 because you can't graduate if you
2 didn't pass the state-mandated
3 test. So me, and my small little
4 team of guidance counselors and
5 12th grade teachers, work very hard
6 to make sure our students have that
7 very best chance to move on.

8 BY MR. SHAHIDPOUR:

9 Q. And part of that process of
10 making sure that your students have the
11 best chance of moving on is compiling
12 complete and accurate data about them; is
13 that right?

14 A. That is correct.

15 Q. And did you experience --
16 scratch that.

17 Did you understand other
18 administrators to have a similar goal,
19 other administrators at IPS to have a
20 similar goal of ensuring that the students
21 for whom they were responsible also had the
22 best potential path forward?

23 A. I'm not going to speak for
24 them. I can only speak for myself in
25 saying that for me, that was 100 percent my

CONFIDENTIAL

Page 87

1 goal. I came here to work because I care
2 about students. I care about their
3 achievement. And I've stayed here for, as
4 you noted on record, 26 years, because my
5 commitment is to the education of my
6 students. I take that personally. It's
7 something that's very important to me that
8 these students become critical thinkers,
9 that they have every chance they can to
10 have a better life. I want them to have a
11 better life than me, just like my own, it's
12 a fact.

13 Q. And in those 26 years, you
14 didn't gain any knowledge as to whether
15 other administrators had similar goals?

16 MS. SCULLION: Objection.
17 Mischaracterizes testimony.

18 THE WITNESS: I think that for
19 me, it is a personal. It's
20 personal for me to work this hard
21 for this long, so I can speak for
22 myself, I can speak to my work
23 ethic, I can speak to the work
24 ethic of my team, and we work very
25 hard.

CONFIDENTIAL

Page 88

1 In general, I think every
2 person who enters education
3 enters it for the reason of
4 educating and caring. It's not
5 for the money. It's not for the
6 fame. It's not for power. But
7 it's to help the next generation
8 move on.

9 BY MR. SHAHIDPOUR:

10 Q. All right. Let's move on to
11 the next slide titled, "Discipline."

12 Do you have any reason to
13 doubt the data in this table?

14 A. Again, I can speak for myself
15 and the 12th grade, as a 12th grade
16 administrator working very hard to make
17 sure my students move forward with life. I
18 can say that I am not 100 percent sure,
19 because it was 2015, I don't have a
20 recollection of that, but that could be
21 correct, the 38.

22 Q. All right. Let's go on to
23 the next slide titled, "Intervention
24 Strategies."

25 A. Sure.

CONFIDENTIAL

Page 89

1 Q. What do you understand an
2 intervention strategy to be?

3 MS. SCULLION: Objection to
4 form. Vague. And may I ask,
5 Counsel, are you asking him what
6 this meant here or in general?

7 MR. SHAHIDPOUR: No, what he
8 understands --

9 MS. SCULLION: Okay.

10 MR. SHAHIDPOUR: -- an
11 intervention strategy in general to
12 be?

13 MS. SCULLION: Thank you.

14 THE WITNESS: In general, to
15 help students who are having
16 trouble in a particular area to
17 overcome those troubles.

18 BY MR. SHAHIDPOUR:

19 Q. And in general, how do you
20 understand IPS identified intervention
21 strategies --

22 MS. SCULLION: Objection to
23 form.

24 MR. SHAHIDPOUR: -- to employ?

25 MS. SCULLION: Objection to

CONFIDENTIAL

Page 90

1 form.

2 THE WITNESS: Gosh, I couldn't
3 begin to answer that. I can tell
4 you for 12th grade, I can say that
5 we, myself, would speak with
6 students constantly. We would have
7 small group meetings. We would
8 have large group meetings. We
9 would hold different events to
10 stimulate students, tell them yes,
11 you're going to make it, you're
12 going to graduate. We worked with
13 teachers and we worked with
14 students who needed an extra
15 helping hand along the way.

16 BY MS. SCULLION:

17 Q. So let's turn to this
18 particular document where it says,
19 "Intervention Strategies."

20 A. Uh-huh.

21 Q. Have you ever -- are you
22 familiar with any of the intervention
23 strategies -- strike that.

24 Are you familiar with any of
25 the items listed under intervention

CONFIDENTIAL

Page 91

1 strategies on this slide?

2 A. These were part of our class
3 and these were suggestions made for all
4 administrators in our classes that this
5 could be something, no matter what school
6 you went to in the country, that has some
7 foundations. So this would be something
8 along the lines of any other intervention
9 strategy that happens along the way, like
10 back in the day, you had Comer and so on.
11 It's different strategies, tools in a
12 toolbox that educators learn about so that
13 they have the tool if they want to
14 implement it with fidelity in their
15 particular district.

16 Q. So I take it that you're
17 familiar with all three of these
18 intervention strategies listed on this
19 slide?

20 A. We talked about different
21 kinds of intervention strategies, including
22 these, but many others also.

23 Q. Did you talk about potential
24 intervention strategies based on data
25 analysis that you or others in the class

CONFIDENTIAL

Page 92

1 performed?

2 MS. SCULLION: Objection to
3 form.

4 THE WITNESS: I believe one of
5 the Newark assistant principals
6 were discussing, I think it was
7 early monitoring of at-risk
8 students that they had employed or
9 were going to employ in their
10 district. I believe there was some
11 at Rahway state -- Rahway School
12 District that talked about others.

13 So it's, again,
14 conversations among people going
15 for their standard certification
16 and what are the tools in various
17 people's toolboxes.

18 BY MR. SHAHIDPOUR:

19 Q. And was this presentation
20 specifically about informed decision-making
21 based on data analysis?

22 A. I think this was, this is
23 what we've learned so far in our classes,
24 because if you look at --

25 Q. So for the record, are you

CONFIDENTIAL

Page 93

1 looking at --

2 A. -- Exhibit 3.

3 Q. Okay.

4 A. And you analyze the two, this
5 was presented to all the assistant
6 principals and the assistant superintendent
7 as basically and, this is again, what I'm
8 guessing, it's presented to them as this is
9 what we've learned so far in our assistant
10 principal certification class.

11 MS. SCULLION: And, Mr.
12 Amberg, I'm just going to remind
13 you again, please do not guess. If
14 you're actually guessing, please do
15 not. Really, you should be
16 testifying from your actual
17 knowledge and recollection.

18 MR. SHAHIDPOUR: Counsel, I'll
19 remind again that the speaking
20 objections are inappropriate.

21 MS. SCULLION: You can't
22 seriously contest that you don't
23 want this witness guessing, you
24 want him guessing on the record?

25 MR. SHAHIDPOUR: I think the

CONFIDENTIAL

Page 94

1 record will speak for itself.

2 MS. SCULLION: And he
3 literally said he was guessing, so
4 I'm just reminding him not to do
5 that.

6 MR. SHAHIDPOUR: Right, right.
7 That's part of his testimony,
8 right, is that he is speculating?

9 MS. SCULLION: Yes, and that
10 is not what he's here to do today.

11 MR. SHAHIDPOUR: Right.

12 BY MR. SHAHIDPOUR:

13 Q. Mr. Amberg, what was the
14 title of this presentation that's
15 Exhibit 4?

16 A. "Informed Decision Making
17 Through Data Analysis."

18 Q. Were you aware of -- in your
19 time at IPS, have you been made aware of
20 IPS identifying certain subgroups that
21 require extra assistance?

22 MS. SCULLION: Objection to
23 form.

24 THE WITNESS: As a 12th grade
25 administrator, I truly try to make

CONFIDENTIAL

Page 95

1 sure every student had the best
2 opportunity. So I didn't look at
3 one group, as you said, I looked at
4 the whole -- at every single
5 student and thought what could I do
6 to make sure that these students
7 have the best opportunity to
8 graduate. So that was what I did
9 and that's what I can speak on.

10 BY MR. SHAHIDPOUR:

11 Q. So you're not aware of IPS
12 identifying certain subgroups of students
13 that require additional assistance to meet
14 their full potential?

15 MS. SCULLION: Objection to
16 form. Asked and answered.

17 THE WITNESS: I can say that
18 for my 12th grade students, every
19 student was important, no matter
20 what subgroup you're referring to,
21 heck, it can't matter to me. What
22 mattered to me was them graduating,
23 them being able to become great
24 citizens of the United States.

25 MR. SEXTON: Object to the

CONFIDENTIAL

Page 96

1 response as nonresponsive. Move to
2 strike.

3 MS. SCULLION: We contest the
4 motion.

5 BY MR. SHAHIDPOUR:

6 Q. So you never identified any
7 particular subgroups that required
8 additional intervention during your time as
9 an IPS employee?

10 MS. SCULLION: And the entire
11 period, the entire 26 years?

12 MR. SHAHIDPOUR: Yes.

13 MS. SCULLION: Thank you very
14 much.

15 THE WITNESS: Okay. So as
16 director of technology, we
17 identified students that did not
18 have the financial wherewithal to
19 purchase technology, specifically
20 Chromebooks, on their own, so we
21 made sure that we applied for
22 through the government programs,
23 which is a department, to make sure
24 that students had the technology
25 needed, especially during COVID,

CONFIDENTIAL

Page 97

1 but understand this, the analysis
2 primarily came through the food
3 services department.

4 BY MR. SHAHIDPOUR:

5 Q. Thank you, Mr. Amberg. So
6 you are not aware of any instances where
7 you identified 9th graders as a subgroup
8 that might need additional intervention?

9 A. Oh, no, sir.

10 Q. No. You don't recall any
11 instances of identifying students who were
12 chronically absent as those who might need
13 additional intervention; is that right?

14 MS. SCULLION: Objection to
15 form.

16 THE WITNESS: Ninth grade?

17 BY MR. SHAHIDPOUR:

18 Q. No, you don't recall any
19 instances of students who were chronically
20 absent as students who might need
21 additional intervention; is that right?

22 MS. SCULLION: Objection to
23 form.

24 THE WITNESS: For my 12th
25 graders, if students were absent,

CONFIDENTIAL

Page 98

1 we would reach out to the parents.
2 We would reach out to guidance. We
3 would reach out to guardians to
4 make sure that they came to school,
5 because they were required to meet
6 a certain absenteeism rate in order
7 to graduate.

8 BY MR. SHAHIDPOUR:

9 Q. So you answered, "for my 12th
10 graders," were you just responding in terms
11 of only during your time as assistant
12 principal to my previous question?

13 A. Yes, sir.

14 Q. So I'll ask again, during
15 your entire time as an IPS employee, do you
16 recall any instances of identifying
17 students who were chronically absent who
18 might need additional intervention?

19 A. As a director of technology,
20 if students were chronically absent, we
21 needed to figure out ways to retrieve their
22 Chromebooks, especially at the end of the
23 year, so that was important, but we would
24 receive that data, again, from the
25 registrar's office and so on and then we

CONFIDENTIAL

Page 99

1 could speak with the tech coaches and so on
2 and with the registrar and with the
3 principal to try and retrieve Chromebooks
4 from the students, because they were
5 property of Irvington Public Schools. And
6 they would need to be given to other
7 students in upcoming years in order to
8 further their education.

9 Q. In your role as director of
10 technology and media services, have you
11 found it important to make informed
12 decisions based on data?

13 MS. SCULLION: Objection to
14 form. Vague.

15 THE WITNESS: Any data, just
16 rephrase it maybe.

17 BY MR. SHAHIDPOUR:

18 Q. Have you used -- well, have
19 you found it important to make decisions
20 based on an analysis of the data that is
21 available to you?

22 MS. SCULLION: Objection to
23 form. Vague.

24 THE WITNESS: I believe in
25 general, data is very important and

CONFIDENTIAL

Page 100

1 we use it to -- in our purchasing
2 of Chromebooks, in our purchasing
3 of interactive boards. We know
4 that when a Smart Board is in our
5 inventory system, that that right
6 there is either end of life or
7 really close to end of life. So,
8 obviously, we know that we need to
9 be thinking about purchasing a new
10 interactive board in order to keep
11 that classroom functioning, the
12 teacher and the students being able
13 to do both their jobs, teaching and
14 learning.

15 Same thing with Chromebooks.
16 We understand that Chromebooks
17 have an end of life and we need
18 to really stay on top of that
19 data to know how many Chromebooks
20 are entering end of life, how
21 many Chromebooks are still in
22 good shape. We look at our data
23 when it comes to Chromebook
24 repairs and so on.

25 We look at desktops within

CONFIDENTIAL

Page 101

1 the schools to make sure that we
2 are up to date and if new
3 teachers are hired or any other
4 staff member, that we're able to
5 purchase a desktop for them.
6 Make sure that it's on the
7 correct OS. Make sure we image
8 it properly for them.

9 We also collect data on
10 laptops and iPads and so on. So
11 if a student has a particular
12 IEP, we're told by that
13 department that they need a
14 particular resource, and then we
15 keep track and make sure that
16 that student gets that with the
17 appropriate case and we then keep
18 track of who has it and when it
19 was given out, when it was
20 returned.

21 BY MR. SHAHIDPOUR:

22 Q. In your experience as an IPS
23 administrator, have you encouraged your
24 colleagues in the district to make informed
25 decisions based on data?

CONFIDENTIAL

Page 102

1 MS. SCULLION: Objection to
2 form. Vague.

3 THE WITNESS: I think it is
4 everyone's responsibility from the
5 janitor all the way up to do the
6 very best they can to make this the
7 best school possible, including the
8 food service workers. Data there,
9 let's talk about whether students
10 enjoy broccoli compared to carrots.
11 Let's look at the data on what do
12 they eat and what don't they eat.
13 What's thrown away and what's kept.
14 Because food is an important part
15 of the education process, as Maslow
16 states, correct, if you don't have
17 that food in your stomach, you're
18 not going to be able to learn. So
19 I think that I would absolutely
20 encourage the food service
21 department to look at that sort of
22 data and to make informed decisions
23 on it, 100 percent.

24 BY MR. SHAHIDPOUR:

25 Q. So you have encouraged the

CONFIDENTIAL

Page 103

1 food services department to look at that
2 sort of data and make decisions on it?

3 A. I --

4 MS. SCULLION: Objection,
5 sorry, objection to form, and asked
6 and answered.

7 THE WITNESS: I believe that
8 was one of our 12th grade asks as
9 coming from the student body, as
10 you can probably well imagine.

11 BY MR. SHAHIDPOUR:

12 Q. That's one of the asks of the
13 12th graders or of you?

14 A. Of the 12th graders through
15 me, because I'm just a conduit of the
16 student body. I'm there to make sure the
17 student body achieves what they need to
18 achieve and if they feel that food helps
19 them in accomplishing their task,
20 absolutely.

21 Q. In your experience, did 12th
22 graders at Irvington Public Schools
23 struggle with food insecurity?

24 A. I think that everywhere in
25 the country, we struggle with food

CONFIDENTIAL

Page 104

1 insecurity. If we just look at, you know,
2 across the board what we eat compared to
3 what we're asked, you know, by health
4 experts, you know, Mediterranean diet
5 compared to what we eat with
6 ultra-processed foods and so on. Let's
7 think about that for a second, what do we
8 eat here in the United States? The access
9 to food, right, throughout the country, not
10 just here, but even in our local areas. Do
11 we have fresh organic food? Do we have it
12 cooked properly? Do we have the ability to
13 pool local resources, local foods, right,
14 within our school district compared to
15 having it shipped from all over the
16 country, where you're not having the best
17 nutritional value. Who is cooking the
18 food?

19 MR. SEXTON: I object to the
20 witness's answer as totally
21 nonresponsive. This is
22 filibustering and it's wasting our
23 time. I move to strike his
24 response. I just want to note that
25 for the record. We're on time

CONFIDENTIAL

Page 105

1 limits here. Counsel is aware that
2 we're on time limits here. The
3 witness is deliberately
4 filibustering.

5 MS. SCULLION: So we
6 absolutely disagree with that
7 characterization and it's improper
8 to make those accusations on the
9 record. And we do contest the
10 motion. Counsel asked about food
11 insecurity and --

12 MR. SHAHIDPOUR: Well, that's
13 going to be a
14 mischaracterization --

15 MS. SCULLION: And the witness
16 was giving his best answer. I,
17 frankly, don't understand why we're
18 talking about food insecurity, but
19 here we are, that was the question
20 and the answer was given.

21 MR. SEXTON: The question was
22 not about nationwide food
23 insecurity and processed foods.

24 MS. SCULLION: If you don't
25 want to waste time, let's stop this

CONFIDENTIAL

Page 106

1 and I would suggest going onto
2 questions that are relevant to the
3 case.

4 MR. SHAHIDPOUR: Thanks for
5 your input, Counsel.

6 MS. SCULLION: Yes.

7 BY MR. SHAHIDPOUR:

8 Q. Speaking of questions
9 irrelevant to the case, are you aware of
10 any instances where Irvington High School
11 identified social media users as a subgroup
12 of IPS students requiring additional
13 interventions?

14 MS. SCULLION: Objection to
15 form. Vague.

16 THE WITNESS: Are you talking
17 about as a director of technology,
18 in general? In general, no. And
19 as director of technology, no.

20 BY MR. SHAHIDPOUR:

21 Q. To be clear, I was asking
22 you, Mr. Amberg, just if you're aware, I
23 wasn't asking in a particular role, is your
24 answer the same?

25 MS. SCULLION: Objection to

CONFIDENTIAL

Page 107

1 form, vague, and lacks foundation.

2 THE WITNESS: What I can say
3 is this, as an assistant principal,
4 what I've seen repeatedly when
5 there are fights is everyone
6 pulling out their cell phones
7 jockeying for the best position to
8 video record them. And then later
9 on, those fights end up all over
10 social media, which then leads to
11 more fights, days, sometimes even
12 weeks later. Sometimes leading to
13 worse. So I don't know if that
14 helps answer the question, but that
15 is the case.

16 MR. SEXTON: Object and move
17 to strike as nonresponsive.

18 MS. SCULLION: I contest the
19 motion.

20 BY MR. SHAHIDPOUR:

21 Q. And when you mentioned fights
22 earlier, that students jockeying to -- you
23 mentioned students would jockey to get the
24 best position to film the fight?

25 A. Uh-huh.

CONFIDENTIAL

Page 108

1 Q. Is that so that they could
2 post the fight on social media?

3 A. That's what would happen.

4 Q. And then students would view
5 the fight on social media?

6 A. That's what I understand.

7 Q. And as a result of that
8 viewing of the fight on social media,
9 students would end up in more fights? I'm
10 just trying to understand your testimony.

11 A. Based on likes, based on
12 comments that other people made about the
13 fights, about what happened during the
14 fight, when we would pull them in and speak
15 to them, what's this about. This person
16 said this about me. This person said that.
17 It was an issue.

18 Q. Okay. Are you aware of any
19 instances where IPS considered whether more
20 prevalent social media use might be the
21 reason why the data showed that a
22 particular subgroup was struggling?

23 MS. SCULLION: Objection to
24 form. Vague as to time period.
25 And lacks foundation.

CONFIDENTIAL

Page 109

1 THE WITNESS: I apologize,
2 rephrase that just so I can
3 understand.

4 BY MR. SHAHIDPOUR:

5 Q. Sure. In your time as an IPS
6 employee, are you aware of any instances
7 where IPS considered whether a particular
8 subgroup of students may have not been
9 performing to their potential based on --
10 as a result of their social media use?

11 A. We would hear -- I would
12 hear, I'm speaking for myself, I would hear
13 from teachers that students are distracted,
14 that students are interested in what they
15 saw, whether even if it is outside of
16 school that morning, that night, that
17 evening, what happened with blah, blah,
18 blah, and then that became more important
19 than the actual learning opportunity. And
20 was that spoken of by teachers to me, that
21 was spoken.

22 Q. Did any teachers speak to you
23 about -- excuse me -- did any teachers
24 speak to you about collecting any data on
25 students' social media use based on the

CONFIDENTIAL

Page 110

1 instances that you identified to my
2 previous -- in response to my previous
3 question?

4 A. Data, no. They were talking
5 specifically about specific events that
6 day, that week, what have you. And then it
7 had ripple effects.

8 Q. And did -- were you -- did
9 you speak with any other IPS employees
10 about any particular interventions based on
11 these instances that you mentioned in
12 response to my question?

13 A. Well, we, as administrators,
14 tried to take cell phones from the
15 students, especially if they had them out,
16 because, again, our job here is to educate
17 and give the best possible education
18 possible and if they're more interested in
19 their phone than education, if they're more
20 addicted, if they're more excited about
21 their phone and what's going on or for that
22 matter, what happened in the social media
23 world the night before, the day before,
24 that morning, it becomes a distraction, a
25 huge distraction.

CONFIDENTIAL

Page 111

1 Q. Is it also a distraction when
2 students are listening to music on their
3 phones during school hours?

4 A. I can tell you that some
5 teachers in the classroom played Mozart, we
6 played Brahms, we played jazz, we play
7 different things to help students learn. I
8 don't have any data on any of that, to be
9 honest, so I can't respond to that, but I
10 am responding as an employee who worked
11 where did some teachers play music in the
12 classroom, they did.

13 Q. Okay. And how about students
14 listening to music on their personal
15 devices, has that been reported to you as a
16 potential distraction?

17 A. Again, if they have their
18 personal devices out, my role as 12th grade
19 administrator was to take it.

20 Q. And does that also include if
21 they were texting while their cell phones
22 were out?

23 MS. SCULLION: Objection to
24 form. Vague.

25 THE WITNESS: If they had

CONFIDENTIAL

Page 112

1 their phone out, it was my job to
2 take it. Not an easy job, because
3 they were addicted to it.

4 BY MR. SHAHIDPOUR:

5 Q. They were addicted to their
6 cell phones?

7 A. Uh-huh.

8 Q. Are you trained in addiction?

9 A. I am not.

10 Q. Do you have any certification
11 to diagnose addiction?

12 A. I am -- I do not.

13 Q. Do you have any certification
14 or training on how to treat addiction?

15 A. I do not.

16 Q. Okay. Mr. Amberg, I am
17 handing you tab five, which we will mark as
18 exhibit -- are we on five, Exhibit 5,
19 please?

20 A. Get my glasses on for you.

21 - - - - -

22 (Third Amended Plaintiff
23 Fact Sheet - School Districts
24 marked Amberg Exhibit 5 for
25 identification.)

CONFIDENTIAL

Page 113

1 - - - - -

2 BY MR. SHAHIDPOUR:

3 Q. Mr. Amberg, have you seen
4 this document before?

5 MS. SCULLION: And I would
6 suggest the witness takes the time
7 to look through the document.

8 THE WITNESS: Yeah, let me
9 check this out, please.

10 BY MR. SHAHIDPOUR:

11 Q. And just let me know when
12 you're ready.

13 A. You should have chunked it,
14 it would have been quicker.

15 Q. Well, I'm only going to ask
16 you about certain questions. I'm not going
17 to ask you about the whole document. So if
18 you want to turn to the last page, that's
19 where I'll ask you my first question,
20 that's page 40. Do you see that this
21 document was certified by Dr. Vauss?

22 A. I do see her signature.

23 Q. And that's specifically the
24 answers to the document that are certified,
25 not the whole document?

CONFIDENTIAL

Page 114

1 MS. SCULLION: Sorry.

2 Objection to form, foundation, and
3 calls for a legal conclusion.

4 THE WITNESS: What does that
5 mean by the way?

6 BY MR. SHAHIDPOUR:

7 Q. Well, okay, so you testified
8 that, yes, you saw that Dr. Vauss certified
9 the document. What did you understand me
10 to be asking when you said, "yes"?

11 MS. SCULLION: Objection.
12 That's -- that is not a fair
13 question to ask him what he
14 understood you to be asking. Ask a
15 question.

16 MR. SHAHIDPOUR: I asked a
17 question.

18 MS. SCULLION: Okay. He gave
19 you the answer to the original
20 question. Do you have another
21 question?

22 MR. SHAHIDPOUR: No, that's
23 it.

24 MS. SCULLION: Okay.

25 MR. SHAHIDPOUR: Well, I do

CONFIDENTIAL

Page 115

1 have more questions.

2 MS. SCULLION: Yes, good.

3 BY MR. SHAHIDPOUR:

4 Q. Do you see that Dr. Vauss
5 signed this document on April 28, 2025?

6 A. To be legally technical, I
7 see that it's not her signature, but her --
8 but, like, a signed, you know, like a stamp
9 or whatever, digital signature.

10 Q. Okay.

11 A. Yeah, I see that.

12 Q. Turn to page 14 in the
13 document. Let me know when you're there.

14 A. Okay. I do.

15 Q. Do you see that IPS was asked
16 to identify the persons most knowledgeable
17 about student use of social media on school
18 property and the impact of such use on IPS
19 from the 2017 to 2018 school year to the
20 present?

21 A. Uh-huh.

22 MS. SCULLION: I'm sorry, you
23 need to say, "yes" or "no".

24 THE WITNESS: Yes.

25 MS. SCULLION: I'm going to

CONFIDENTIAL

Page 116

1 keep reminding you.

2 THE WITNESS: Yes, I
3 apologize.

4 MS. SCULLION: That's all
5 right.

6 BY MR. SHAHIDPOUR:

7 Q. And do you see your name
8 listed as one of those persons?

9 A. I do.

10 Q. Are you able to quantify the
11 amount of time that IPS students spend on
12 personal electronic devices while on IPS
13 property?

14 MS. SCULLION: I'm sorry,
15 objection to form, vague, including
16 as to time period, which students,
17 vague.

18 THE WITNESS: You're asking me
19 as an AP -- I'm sorry, as assistant
20 principal of 12th grade?

21 BY MR. SHAHIDPOUR:

22 Q. Yeah, I'll ask it again.
23 During the entire course of your time as an
24 IPS employee, are you able to quantify the
25 amount of time that IPS students spend for

CONFIDENTIAL

Page 117

1 any given amount of time or over -- scratch
2 that.

3 During the entire course of
4 your time as an IPS employee, are you able
5 to quantify the amount of time that
6 students have used social media on IPS
7 property over any period of time?

8 MS. SCULLION: Objection.
9 Very overbroad and vague.

10 THE WITNESS: Sir, I would be
11 speculating. I see outcomes, but I
12 don't see them, because 17-18, what
13 they're asking there, I was an
14 assistant principal, not director
15 of technology. But as a director
16 of technology, again, I see
17 outcomes more than anything else.
18 Like, with the TikTok that
19 happened, challenge that just
20 happened, right, where they're
21 trying to blow up Chromebooks. I
22 saw the outcome of that, right? I
23 saw the Chromebooks that were --
24 that were destroyed. I saw the
25 paperwork for the suspensions and

CONFIDENTIAL

Page 118

1 so on. But was I there to
2 actually, anything else, no. So I
3 do see outcomes.

4 BY MR. SHAHIDPOUR:

5 Q. So in terms of you being
6 listed in response to this question as a
7 person most knowledgeable, would you say
8 that you're only knowledgeable about the
9 impact of such use on your district from
10 the 2017-2018 school year to the present?

11 MS. SCULLION: I'm sorry, can
12 you repeat the question or read it
13 back, either way?

14 BY MR. SHAHIDPOUR:

15 Q. In terms of you being listed
16 in response to the question that we're
17 looking at on page 14 of Exhibit 5, your
18 understanding, is it your understanding
19 that you are listed as a person most
20 knowledgeable only as to the impact of such
21 use on your district from the 2017 --

22 MS. SCULLION: So, hold on.

23 MR. SHAHIDPOUR: -- 2018
24 school year to the present?

25 MS. SCULLION: Thank you. So

CONFIDENTIAL

Page 119

1 objection to form and lacks
2 foundation. You have not shown
3 that he is the one that decided who
4 was being listed here and for what
5 purpose. That's my basis for in
6 terms of lack of foundation.
7 That's what you're asking him.

8 THE WITNESS: So, sir, my
9 little bit of confusion is because
10 they have me as director there,
11 which I wasn't at the time. I can
12 answer you two different ways. One
13 as assistant principal where I was
14 there for the fights. I was there
15 for, hey, everybody better get
16 outside, because social media
17 stated -- police officers, RITE
18 officers, or SROs, which is a
19 school resource officer would say,
20 hey, something is posted on social
21 media, we need all the
22 administrators outside, because --
23 at dismissal. So I can speak on
24 that aspect or if you're talking
25 about -- and I'm not trying to --

CONFIDENTIAL

Page 120

1 I'm just trying to make sure I get
2 this right, we're talking about
3 director, I'm here, right, I'm not
4 in the classroom, so I see the
5 outcomes as a director, right? I
6 see the broken Chromebook. I see
7 students going through backdoor
8 websites to access, like, YouTube,
9 even though we have it completely
10 blocked. Proxies, you know, we see
11 the outcome on that end. But if
12 you're talking about administrator,
13 12th grade administrator, I can
14 speak on that maybe a little
15 differently.

16 BY MR. SHAHIDPOUR:

17 Q. From 2017 to 2018 school year
18 to the present, do you have any knowledge
19 about student -- student use of social
20 media on school property?

21 A. I can tell you that the
22 outcomes, I can tell you that students post
23 because the SROs would say, hey, come
24 outside at dismissal or watch out at
25 lunchtime, or be careful, whatever they

CONFIDENTIAL

Page 121

1 would say, there's an issue that's brewing
2 up. And then we, as assistant principals
3 and the SROs and the deans, would then have
4 to do that. So, yes, that was occurring
5 during school and I'm guessing -- I'm not
6 guessing, so.

7 Q. As director and then
8 subsequently executive director of
9 technology and social media services at
10 IPS, are you able to quantify the amount of
11 time that IPS students spend on particular
12 apps on their personal electronic devices
13 while on IPS property?

14 MS. SCULLION: And objection,
15 I think you inadvertently asked him
16 about a title of social media
17 services, you meant media services
18 I believe.

19 MR. SHAHIDPOUR: Excuse me.

20 MS. SCULLION: Could you maybe
21 restate the question?

22 BY MR. SHAHIDPOUR:

23 Q. Yes. As director and then
24 subsequently the executive director of
25 technology and media services at IPS, are

CONFIDENTIAL

Page 122

1 you able to quantify the amount of time
2 that IPS students spend on particular apps
3 on their personal electronic devices while
4 on IPS property?

5 MS. SCULLION: So objection to
6 form, vague, overbroad.

7 THE WITNESS: So an executive
8 director or director, for that
9 matter, we implemented GoGuardian
10 and GoGuardian is a web filter that
11 we implemented that has really
12 helped to shut down, along with our
13 other web filter, the firewall,
14 through Palo Alto to shut down most
15 social media taking place on their
16 Chromebooks. And I said most. The
17 reason why I say most is because
18 our students, like all other
19 students, tend to be ingenious and
20 they tend to when they -- you know
21 I'm not clinically certified, but
22 when they have a real need to get
23 on certain sites, they're going to
24 find their way.

25 And just a few, I guess

CONFIDENTIAL

Page 123

1 about a week ago, through our
2 best efforts, through
3 GoGuardian's best efforts,
4 through Palo Alto's best efforts,
5 a young elementary school student
6 found a way through another
7 website that had a back door to
8 YouTube and was just watching
9 YouTube. But we try to really
10 lock down as best as we can and
11 it's difficult and it's trying,
12 it is almost like playing
13 whack-a-mole, because as websites
14 pop up, as proxies pop up, we're
15 trying to identify them, because
16 students are going to many
17 different sites, many different
18 applications. Can I identify
19 every single one? No. But we do
20 see proxies, that's what
21 GoGuardian has identified, and
22 then it's our job to try and
23 figure out which proxy and what
24 was it, what are they getting
25 into, that sort of thing.

CONFIDENTIAL

Page 124

1 MR. SEXTON: Objection,
2 nonresponsive. Move to strike.

3 MS. SCULLION: We contest the
4 motion.

5 BY MR. SHAHIDPOUR:

6 Q. So, Mr. Amberg, I asked about
7 personal electronic devices of students and
8 their use. Does GoGuardian apply to
9 student's personal electronic devices?

10 A. I apologize, I thought you
11 meant --

12 Q. Your counsel --

13 MS. SCULLION: That's okay.
14 I'm just trying to make sure we're
15 not talking over each other. So
16 let him finish his question and you
17 can give your answer. I'm sorry,
18 could you repeat your question?

19 BY MR. SHAHIDPOUR:

20 Q. Does GoGuardian apply to
21 students' personal electronic devices?

22 A. I was under the impression
23 you meant their personal Chromebook that
24 they -- because a student is assigned a
25 Chromebook, but I apologize, so, no, it

CONFIDENTIAL

Page 125

1 does not.

2 Q. Does Palo Alto apply to
3 students' personal electronic devices?

4 A. No, sir.

5 Q. So my previous question about
6 whether -- scratch that.

7 Is IPS able to track any
8 information relating to students' use of --
9 scratch that.

10 Through any digital
11 infrastructure, is IPS able to track any
12 information about what students do on their
13 personal electronic devices?

14 A. No, sir.

15 MS. SCULLION: Objection --
16 wait, objection to form,
17 foundation. Please go ahead.

18 THE WITNESS: No, sir.

19 BY MR. SHAHIDPOUR:

20 Q. To your knowledge, is that
21 something that anyone in the district can
22 do?

23 MS. SCULLION: Objection to
24 form.

25 THE WITNESS: Possibly the

CONFIDENTIAL

Page 126

1 SROs.

2 BY MR. SHAHIDPOUR:

3 Q. And what's your basis for
4 saying that?

5 A. Just experience with working
6 as a 12th grade administrator, they would
7 come to us and say, hey, such and such,
8 such and such, such and such posted this,
9 you better be careful. There may be a, you
10 know, something brewing in the cafeteria.
11 There may be something brewing outside
12 after school. So, no, we don't, and,
13 again, I'm speaking as a 12th grade
14 administrator, we would learn from the
15 SROs, which is the school resource
16 officers, that this was posted on social
17 media, better be careful, maybe have a
18 staggered dismissal. Maybe cancel
19 after-school activities. Maybe be careful
20 at a basketball game, baseball game, soccer
21 game, whatever it happens to be. They
22 would pull more resources, meaning more
23 officers would come to the school.
24 Hopefully, that answered your question.

25 Q. Yes. Yeah. Yeah. Are the

CONFIDENTIAL

Page 127

1 school resource officers -- from 2017 to
2 2018, are you aware of whether school
3 resource officers have been able to
4 quantify the amount of time that a student
5 spends on any particular application on
6 their personal electronic device?

7 A. I don't --

8 MS. SCULLION: Objection to
9 form, vague.

10 THE WITNESS: I'm sorry, I
11 didn't mean to interrupt.

12 MS. SCULLION: That's okay.
13 That's all right.

14 THE WITNESS: I'm sorry, I
15 don't -- I don't have that answer.

16 BY MR. SHAHIDPOUR:

17 Q. Let's move on to some other
18 questions related to what you just
19 testified. You testified that IPS provides
20 students with Chromebooks; is that right?

21 A. That is correct, sir.

22 Q. What year did IPS start
23 providing students with Chromebooks?

24 A. I don't have an exact answer
25 for that, what I can tell you it started at

CONFIDENTIAL

Page 128

1 UMS with one classroom and one Chromebook
2 cart and I'm going to say that was maybe
3 2012, but I'm not exactly sure.

4 Q. Sure.

5 A. But it was, like, one
6 classroom cart just as something to test
7 out.

8 Q. Sort of like a pilot program?

9 A. Yeah, exactly.

10 Q. When did IPS start expanding
11 that program?

12 A. COVID was a huge -- gradually
13 throughout the years, it has been going up,
14 based on state testing. See, a lot of
15 times it's, you know, is the cart pushing
16 the horse or whatever the phrase is, it's
17 we have to meet our obligations with state
18 testing and when state testing went from
19 pen and paper to digital, it was really
20 kind of forcing us to have it. And then
21 they ask, well, we're going to test X
22 amount of grades, so then we have to make
23 sure we know how many Chromebooks we need
24 for that specific thing.

25 Secondly, a lot of our

CONFIDENTIAL

Page 129

1 curriculum, right, started transitioning,
2 again, from paper and pencil to digital.
3 So here again, we're, like, okay, and we
4 start moving towards that. But the
5 largest, sir, was during COVID. That's
6 when we really saw, it just became
7 overwhelming, because, again, our job, our
8 role as educators is to make sure that we
9 are able to educate our students the best
10 we can. And the technology department, our
11 department, really understood that, and we
12 worked day and night, on weekends, to get
13 Chromebook carts wired and ready, at our
14 homes. We had them delivered to our homes
15 and we literally wired carts at our homes.
16 I had it all in my driveway and we wired
17 carts to get them ready for kids.

18 We put -- we updated
19 operating systems, you know, whatever was
20 necessary to get our students and then they
21 made sure that we were able to pass them
22 out and we had lines outside during COVID
23 and we would pass them to the parents.

24 Q. Thank you, Mr. Amberg, I
25 appreciate the narrative. Just moving

CONFIDENTIAL

Page 130

1 forward, when I ask a question like when,
2 that starts with when, I'm asking about
3 like a time period --

4 A. Okay, I'm sorry.

5 Q. -- not exactly why or how,
6 and I appreciate that, but we'll -- I try
7 to get to those questions too --

8 A. Sure.

9 Q. -- but I really just want to
10 establish years and time frames first. So
11 what year did IPS start providing -- well,
12 scratch that.

13 Has IPS provided -- does IPS
14 provide every IPS student with a
15 Chromebook?

16 A. That is what we strive to do,
17 correct, sir.

18 Q. And what year did IPS start
19 its program of providing every student with
20 a Chromebook?

21 A. Probably right around COVID
22 is really when, when we had maximum and
23 even went at one point to two-to-one.

24 Q. And that's in 2020?

25 A. Ish, but I'm going to say

CONFIDENTIAL

Page 131

1 starting 2019-ish, you know, we have been
2 gradually building it up from, say, 2012
3 with our first Chromebook cart, as I
4 stated, based on testing and everything
5 else, we gradually started building up. I
6 don't have the exact numbers in front of
7 me, but I can tell you, we started then,
8 and as it continued, we -- we bought more
9 and more and more to make sure our students
10 had them.

11 Q. Does IPS provide its students
12 with Chromebooks for use at home?

13 A. During COVID, we definitely
14 did, obviously. After that, there was an
15 ECF grant that was given which allowed
16 students to have a Chromebook at home, so
17 that after they returned from COVID, to
18 have a Chromebook at home in order to
19 facilitate everything from homework to
20 projects, to, you know, studying for tests,
21 those sort of things.

22 Q. Does IPS provide its students
23 with any tablets?

24 A. If it's in -- and I think I
25 referred to this in the past, but if it is

CONFIDENTIAL

Page 132

1 part of a particular IEP, we are required,
2 not just by state law, but I believe it's
3 federal, to provide whatever is necessary
4 for the student and what I've seen,
5 primarily what the Child Study Team
6 decisions, they tend to be iPads.

7 Q. Okay.

8 A. Not so much like a Windows
9 tablet. It tends to be an iPad, but I
10 figured that was okay for you.

11 Q. Sorry, I didn't mean to cut
12 you off. A little bit of a pause. An IEP,
13 to be clear, is Individualized Education
14 Plan?

15 A. Correct, sir.

16 Q. Okay. Does IPS provide
17 tablets, whether it's iPads or Microsoft
18 devices, to any students other than those
19 who are on IEPs?

20 A. Possibly in the preschool
21 program, because Chromebooks and preschool
22 probably doesn't work out so well, but
23 that -- I haven't seen that in a
24 substantial amount of time, but I wouldn't
25 be surprised if there were some for the

CONFIDENTIAL

Page 133

1 preschool.

2 Q. Okay. And then, again, don't
3 want you guessing or speculating, do you
4 have any reason to -- what is your reason
5 for believing that it may have been
6 provided at the preschool, it being
7 tablets?

8 A. I remember it was talked
9 about, but as far as it coming across my
10 desk for purchasing and so on, I haven't
11 seen that in a long time.

12 Q. Okay. Does IPS provide
13 students with Wi-Fi hotspots?

14 A. Great question. During
15 COVID, for a short amount of time for
16 students who needed it, we did. After
17 COVID, no, except, there's an exception,
18 the exception is if there is a mandated
19 state test that they have to do and they're
20 out for a medical reason or something like
21 that, the teacher, the home instructor will
22 go and retrieve, I believe we have two or
23 three in the district, will go and take
24 that, have them do their standardized
25 tests, and then return it to the district.

CONFIDENTIAL

Page 134

1 Q. So you mentioned GoGuardian
2 and another firewall earlier, Palo Alto?

3 A. Web filter and a firewall.

4 Q. I'm sorry, what was that?

5 A. Web filter.

6 Q. Web filter?

7 A. GoGuardian is a web filter.
8 Palo Alto is both a firewall and a web
9 filter.

10 Q. Perfect. I appreciate that
11 clarification. Do those tools apply when a
12 student is using their -- when a student
13 was using their Wi-Fi hotspot during COVID?

14 A. That -- those, no, but we
15 purchased CIPA-compliant hotspots, so that
16 was like T-Mobile is CIPA compliant, a
17 trusted partner, you know, I don't know
18 anything more than that.

19 Q. And so what is your
20 understanding of what the difference
21 between a CIPA-compliant hotspot is from a
22 regular hotspot?

23 MS. SCULLION: I'm just going
24 to object to the extent it calls
25 for any legal conclusion, but you

CONFIDENTIAL

Page 135

1 can testify to your understanding.

2 THE WITNESS: A CIPA compliant
3 would mean that there's some sort
4 of filtering there that don't allow
5 them to look at pornography, you
6 know, that sort of thing. That's
7 covered under the Child Internet
8 Protection Act.

9 BY MR. SHAHIDPOUR:

10 Q. Do you know whether these
11 COVID era CIPA compliant Wi-Fi hotspots
12 that IPS provided blocked any social media
13 websites?

14 A. No, because we didn't get any
15 access to the web filtering.

16 Q. Are there any other
17 electronic devices that IPS provides to
18 students for use either at home or at
19 school?

20 MS. SCULLION: Objection,
21 vague.

22 THE WITNESS: I'm thinking.
23 Hold on. I don't think so. I'm
24 wondering maybe with a sports team
25 if they do some sort of video game

CONFIDENTIAL

Page 136

1 analysis, but that's, you know, no,
2 for students, it's what I told you.

3 MR. SHAHIDPOUR: Okay. We've
4 reached about noon. Would you like
5 to take a break?

6 MS. SCULLION: I was going to
7 suggest it may be a good time for a
8 break only because it looks like
9 lunch is arriving imminently.

10 THE WITNESS: Oh, then yes.
11 If not, keep going. I enjoy
12 this --

13 MS. SCULLION: It would be an
14 opportune time.

15 THE WITNESS: -- thank you,
16 guys, I appreciate this.

17 MR. SHAHIDPOUR: Thank you.
18 We can go off the record.

19 THE VIDEOGRAPHER: The time
20 right now is 11:59 a.m. We are off
21 the record.

22 - - - - -

23 (A recess was taken at this time.)

24 - - - - -

25 THE VIDEOGRAPHER: The time

CONFIDENTIAL

Page 137

1 right now is 1:03 p.m. We are back
2 on the record.

3 BY MR. SHAHIDPOUR:

4 Q. Welcome back, Mr. Amberg.
5 Good afternoon.

6 A. Thank you.

7 Q. I've handed what I will mark
8 as Exhibit 6, have you seen this document
9 before?

10 A. I didn't see this -- you
11 didn't tell me the back. I'm sorry, I
12 have.

13 - - - - -

14 (CARES Act Budget Bates
15 BW__Irvington00256844 to 256845
16 marked Amberg Exhibit 6 for
17 identification.)

18 - - - - -

19 BY MR. SHAHIDPOUR:

20 Q. And what is this document?

21 A. It was a projection of how to
22 spend CARE Act budget.

23 Q. And what is CARE Act or CARES
24 Act?

25 A. CARES Act, sorry, was a grant

CONFIDENTIAL

Page 138

1 that came from the government to help with
2 students' needs, especially if there was
3 insecurities as far as financial and so on.

4 Q. Okay. Do you remember
5 when -- well, excuse me -- scratch that.

6 Did IPS receive funds
7 through the CARES Act?

8 A. I believe they did. That
9 would better be answered by our financial
10 department, Mr. Lamptey, who is the
11 business administrator, but I did spend
12 money on hotspots and Chromebooks.

13 Q. Okay. And those are the --
14 some of the items that are listed in this
15 CARES Act budget here that's Exhibit 6?

16 A. It looks about right.

17 Q. Okay. Did -- is this an
18 accurate representation of the budget that
19 the media services and technology
20 department created for CARES Act funds at
21 IPS?

22 MS. SCULLION: Objection to
23 form. Vague.

24 THE WITNESS: So to understand
25 how we work here, we're given a

CONFIDENTIAL

Page 139

1 budget, correct, by the business
2 administrator, right? And then we
3 work based on needs throughout the
4 schools. So I ask my tech coaches,
5 and then I come up with a number of
6 what we would need in order to be
7 able to, especially around the time
8 of COVID, what we would need for
9 students and so on.

10 BY MR. SHAHIDPOUR:

11 Q. Okay. Got it. Did you come
12 up with this budget that we're looking at
13 here?

14 A. Well, Mr. Lamptey had his
15 part, because he's the money person and
16 then a collaborative effort between the
17 technology coaches, the principals, and
18 myself.

19 Q. Is this -- can you put a date
20 or an approximate date on when this CARES
21 Act budget was made?

22 A. I, truthfully, I don't
23 remember, I'm sorry.

24 Q. Do you remember what school
25 year?

CONFIDENTIAL

Page 140

1 A. I'm going to say maybe around
2 2020, but in all honesty, I don't remember.

3 Q. Did IPS anticipate receiving
4 CARES Act funds due to COVID?

5 MS. SCULLION: Objection to
6 form. Vague.

7 THE WITNESS: I don't know
8 what they anticipated. What I can
9 tell you specifically for me is I
10 needed to make sure every student
11 who needed a Chromebook had a
12 Chromebook. Who anticipated what,
13 as far as money is concerned,
14 that's out of my jurisdiction, but
15 my job was to make sure that I
16 spoke with every single person to
17 make sure that we had enough to
18 service our students.

19 BY MR. SHAHIDPOUR:

20 Q. So was it through spending
21 pursuant to the CARES Act that the media
22 services and technology department was
23 first able to procure Chromebooks for every
24 IPS student?

25 MS. SCULLION: Sorry, let me

CONFIDENTIAL

Page 141

1 take a look at this again.

2 Objection to form.

3 BY MR. SHAHIDPOUR:

4 Q. I'll withdraw and I'll kind
5 of break it down a little bit.

6 You testified earlier that
7 IPS at some point started to strive to
8 provide Chromebooks to every IPS student?

9 A. That's correct.

10 Q. Would it have been through
11 this CARES Act budget or spending
12 through -- scratch that.

13 Would it have been spending
14 through this CARES Act budget that IPS
15 would have first tried to provide
16 Chromebooks to every IPS student?

17 MS. SCULLION: Objection to
18 form.

19 THE WITNESS: So what I can
20 say is this. We had before what
21 was called a building base budget
22 and that basically means that the
23 building principal was in charge of
24 their building and that gave them a
25 budget, which I wasn't aware of, to

CONFIDENTIAL

Page 142

1 purchase all different things, both
2 technology and otherwise. They
3 would come to us and we would help
4 them make a decision on the type of
5 device that was -- or model or
6 make, that sort of thing.

7 Later on, this big amount of
8 money came around, I'm thinking,
9 right around COVID time and
10 that's when in order to make sure
11 we were able to have devices for
12 all of our students that we
13 purchased as a department instead
14 of at a building level. But
15 before that, it was building
16 based, so I can't tell you why or
17 how the principal purchase, if
18 that makes sense.

19 BY MR. SHAHIDPOUR:

20 Q. No, it does and I just want
21 to clarify, you pointed, when you said this
22 big amount of money, you said this big
23 amount of money came around, were you
24 pointing at exhibit --

25 A. I was.

CONFIDENTIAL

Page 143

1 Q. -- at the Exhibit 6 here?

2 MS. SCULLION: Just a reminder
3 let him finish his questions before
4 you begin your answers. Thank you.

5 BY MR. SHAHIDPOUR:

6 Q. Sorry. Did you answer?

7 A. I believe, yes, this is a
8 large amount of money, I believe we made
9 the purchase.

10 Q. Got it. I just wanted to
11 clarify the gesture for the record. Thank
12 you. I'm handing you tab seven, which
13 we'll mark as Exhibit 7.

14 - - - - -

15 (Email dated 9/11/19 Baes
16 BW__Irvington00227923 to 00227924
17 marked Amberg Exhibit 7 for
18 identification.)

19 - - - - -

20 BY MR. SHAHIDPOUR:

21 Q. Mr. Amberg, are you familiar
22 with the Chromebook Student User Agreement?

23 A. Let me just read this.

24 MS. SCULLION: Before you give
25 your answer I'm just going to

CONFIDENTIAL

Page 144

1 object on the grounds that the
2 document as provided is incomplete.
3 It lacks the attachments and I
4 don't believe you should be asking
5 the witness about the document
6 without it being a complete form,
7 so we're objecting on that basis.

8 MR. SHAHIDPOUR: Noted.

9 THE WITNESS: I'm familiar.

10 BY MR. SHAHIDPOUR:

11 Q. And you're familiar with
12 Chromebook user -- Student User Agreement?

13 A. That is correct.

14 Q. Are you familiar with the
15 Student Use of Technology Agreement?

16 MS. SCULLION: Same
17 objections.

18 THE WITNESS: I'm more
19 familiar with the Chromebook
20 Student User Agreement.

21 BY MR. SHAHIDPOUR:

22 Q. Okay. But you're familiar
23 that IPS --

24 A. Yes.

25 Q. -- has both of these

CONFIDENTIAL

Page 145

1 agreements --

2 A. Yes.

3 Q. -- in general?

4 MS. SCULLION: So just a
5 reminder again, let him finish and
6 then you can give your answer.

7 THE WITNESS: Yes.

8 MS. SCULLION: Okay. Thanks.

9 MR. SHAHIDPOUR: I'll repeat
10 the question.

11 MS. SCULLION: Thank you.

12 BY MR. SHAHIDPOUR:

13 Q. So, Mr. Amberg, you're
14 familiar that IPS has these agreements?

15 A. Correct.

16 Q. Do you see in this email that
17 we're looking at, Exhibit 7, you were cc'd
18 on an email transmitting copies of both of
19 these agreements?

20 MS. SCULLION: Objection to
21 form and objection that you're
22 asking about a facially incomplete
23 document because you have not
24 provided the attachments.

25 THE WITNESS: I do see this

CONFIDENTIAL

Page 146

1 email. It was sent from a tech
2 coach to the building principal and
3 I was copied.

4 BY MR. SHAHIDPOUR:

5 Q. And I will note for the
6 record that this email was produced by the
7 district and I will hand to you tabs 7A and
8 7B, which I will mark Exhibits 8 and 9
9 respectively. What I'm handing you now is
10 Exhibit 8. And what I'm handing you now is
11 Exhibit 9.

12 MS. SCULLION: Counsel, could
13 I have a representation for the
14 record that the metadata indicates
15 that these are in fact the children
16 to Exhibit 7?

17 MR. SHAHIDPOUR: Yes, I was
18 just about to represent that before
19 asking my questions.

20 MS. SCULLION: And for
21 transparency, we're going to
22 continue to object, because there's
23 an additional, at least one
24 additional, it looks like,
25 attachment to Exhibit 7 that has

CONFIDENTIAL

Page 147

1 not yet been provided to us.

2 MR. SHAHIDPOUR: Okay. Noted.

3 MS. SCULLION: I'm sorry, is
4 there a question pending?

5 MR. SHAHIDPOUR: No, I was
6 letting him review the document.

7 MS. SCULLION: Okay. Thank
8 you. Okay. Great.

9 - - - - -

10 (Student Use of Technology
11 Agreement and Release of
12 Liability Form Bates
13 BW__Irvington00227925 to 227927
14 and Chromebook Student User
15 Agreement Bates
16 BW__Irvington00227933 to 227934
17 marked Amberg Exhibits 8 and 9
18 for identification.)

19 - - - - -

20 BY MR. SHAHIDPOUR:

21 Q. Again, Mr. Amberg, I'm only
22 going to ask questions about portions of
23 these documents. If at any point during my
24 questions, you feel a need to review other
25 parts of the document, just let me know.

CONFIDENTIAL

Page 148

1 A. Thank you.

2 Q. But looking at Exhibit 8, is
3 this the Student Use of Technology
4 Agreement and Release of Liability Form of
5 Irvington Public Schools?

6 MS. SCULLION: Objection to
7 form. Vague.

8 THE WITNESS: It appears to
9 be.

10 BY MR. SHAHIDPOUR:

11 Q. And did you participate in
12 drafting -- well, scratch that.

13 Is this specifically the IPS
14 district-wide Student Use of Technology
15 Agreement and Release of Liability Form
16 from 2018?

17 A. I believe this is an earlier
18 copy, especially with the use of PDAs in
19 there and emergency radios and so on, I
20 believe this may have been before my time,
21 because we don't have PDAs and so on.

22 Q. Okay. So given my
23 representation that this is an attachment
24 to the email that's Exhibit 7 that was
25 circulated in 2019, do you have any reason

CONFIDENTIAL

Page 149

1 to doubt that even if this policy was
2 drafted earlier, it was still in place in
3 the 2018-2019 period?

4 MS. SCULLION: Objection to
5 form. Lacks foundation. Yeah. It
6 calls for speculation.

7 THE WITNESS: I would suspect,
8 but I don't know for sure.

9 BY MR. SHAHIDPOUR:

10 Q. Okay. Did you participate in
11 drafting this policy?

12 MS. SCULLION: Are you asking
13 specifically about Exhibit 8?

14 MR. SHAHIDPOUR: Exhibit 8.

15 MS. SCULLION: Thank you.

16 THE WITNESS: I did not. This
17 is most likely before my time.

18 BY MR. SHAHIDPOUR:

19 Q. Have you ever participated in
20 drafting one of IPS's Student Use of
21 Technology Agreement and Release of
22 Liability Forms?

23 A. I participated in Chromebook
24 Student User Agreement, rules and
25 operating, this form, absolutely.

CONFIDENTIAL

Page 150

1 Q. Okay. But despite not
2 participating in drafting the Student Use
3 and Technology Agreement and Release of
4 Liability Form, you testified earlier that
5 you are generally familiar with it?

6 A. Generally.

7 MS. SCULLION: Objection,
8 mischaracterizes testimony. Go
9 ahead.

10 THE WITNESS: Generally.

11 BY MR. SHAHIDPOUR:

12 Q. Generally. Let's turn to the
13 bottom of the first page and this is --

14 MS. SCULLION: Which exhibit?

15 MR. SHAHIDPOUR: Yeah, I was
16 just about to say --

17 MS. SCULLION: That's fine.

18 MR. SHAHIDPOUR: -- of
19 Exhibit 8 --

20 MS. SCULLION: Thank you.

21 MR. SHAHIDPOUR: -- ending in
22 Bates number 925. Do you see that
23 there are certain student
24 obligations and responsibilities
25 with respect to use of technology?

CONFIDENTIAL

Page 151

1 THE WITNESS: Uh-huh.

2 BY MR. SHAHIDPOUR:

3 Q. And this is use of district
4 technology specifically, right?

5 A. Uh-huh.

6 MS. SCULLION: You're going to
7 need to say, "yes" or "no".

8 THE WITNESS: Yes.

9 BY MR. SHAHIDPOUR:

10 Q. And just running through
11 these, "Students are prohibited from using
12 district technology for improper purposes,
13 including, but not limited to use of
14 district technology to access, post,
15 display, or otherwise use material that is
16 discriminatory, libelous, defamatory,
17 obscene, sexually explicit, or disruptive;"
18 is that right?

19 A. Correct.

20 Q. "Students are also prohibited
21 from using district technology to bully,
22 harass, intimidate, or threaten other
23 students, staff, or other individuals;" is
24 that right?

25 A. That's what it says here,

CONFIDENTIAL

Page 152

1 yes.

2 Q. And then cyberbullying in
3 parentheses?

4 A. Yes.

5 Q. Students are also prohibited
6 from using district technology to,
7 "disclose, use, or disseminate personal
8 identification information (such as name,
9 address, telephone number, Social Security
10 number, or other personal information) of
11 another student, staff member, or other
12 person with intent to threaten, intimidate,
13 harass, or ridicule that person."

14 Do you see that?

15 A. I do see that.

16 Q. And then students are also
17 prohibited from, "Infringing on copyright
18 license, trademark, patent, or other
19 intellectual patent property rights;" is
20 that right?

21 A. Uh-huh, I do see that.

22 Q. Students are prohibited from,
23 "Intentionally disrupting or harming
24 district technology or other district
25 operations."

CONFIDENTIAL

Page 153

1 Do you see that?

2 A. I do see that.

3 Q. Students are prohibited from
4 "installing unauthorized software."

5 Do you see that?

6 A. I do.

7 Q. Students are prohibited from
8 "Hacking into the system to manipulate the
9 data of the district or other users."

10 Do you see that?

11 A. I do.

12 Q. And then as there's a final
13 one that says students are prohibited from,
14 "Engaging in or promoting any practice that
15 is unethical or violates any law or Board
16 policy, administrative regulation, or
17 district practice.

18 Do you see that?

19 A. I do.

20 Q. So turning back on the first
21 page, the first three prohibitions and
22 then -- that we ran through and then the
23 fourth prohibition that we discussed, all
24 have to do specifically with the
25 information that a student views or shares

CONFIDENTIAL

Page 154

1 online?

2 MS. SCULLION: Objection to
3 form.

4 THE WITNESS: Are you asking
5 me?

6 BY MR. SHAHIDPOUR:

7 Q. Yes.

8 A. Could you repeat the
9 question?

10 Q. Do the first four
11 prohibitions specifically have to do with
12 information that a student views or shares
13 online?

14 MS. SCULLION: Objection to
15 form. And mischaracterizes the
16 document.

17 MR. SHAHIDPOUR: It was a
18 question of -- about the document.

19 MS. SCULLION: Which I think
20 had some built-in assumptions.

21 THE WITNESS: So one through
22 three looks like what students are
23 not allowed to post on online. And
24 the fourth, I'm not even sure what
25 that exactly means, number four,

CONFIDENTIAL

Page 155

1 sorry.

2 BY MR. SHAHIDPOUR:

3 Q. Okay. You don't have to be
4 sorry. Prohibitions five, six, and seven,
5 do they have to do with unauthorized
6 disrupting, hacking, or manipulating
7 district technology or the data on
8 district -- data housed by district
9 technology?

10 MS. SCULLION: Objection to
11 form and lacks foundation.

12 THE WITNESS: It appears to.
13 BY MR. SHAHIDPOUR:

14 Q. And then prohibition eight is
15 a catchall about unethical conduct on
16 district technology. Is that your
17 understanding of prohibition number eight?

18 MS. SCULLION: Objection to
19 form. Lacks foundation.

20 THE WITNESS: I don't
21 understand catchall.

22 BY MR. SHAHIDPOUR:

23 Q. Okay.

24 MS. SCULLION: Do you
25 understand the question?

CONFIDENTIAL

Page 156

1 THE WITNESS: Just can you
2 rephrase it and what do you mean by
3 "catchall"?

4 BY MR. SHAHIDPOUR:

5 Q. That's fine. We can move on.

6 Moving toward the rest of
7 the second page of Exhibit 8, do you see
8 where it says in the middle of the page,
9 the paragraph starting with "since the
10 use"?

11 A. Uh-huh, yes, I do.

12 Q. Is it your understanding
13 whether -- or is it your understanding that
14 IPS students have no expectation of privacy
15 in any use of district technology?

16 MS. SCULLION: Counsel, just
17 to be clear, are you asking him
18 about the document or are you just
19 asking him?

20 MR. SHAHIDPOUR: I'm asking
21 him.

22 MS. SCULLION: Okay. Could
23 you restate the question, please?

24 MR. SHAHIDPOUR: Sure.

25 MS. SCULLION: Repeat it,

CONFIDENTIAL

Page 157

1 rather.

2 BY MR. SHAHIDPOUR:

3 Q. Is it your understanding that
4 IPS students have no expectation of privacy
5 in any use of district technology?

6 MS. SCULLION: Objection to
7 form, vague, and to the extent it
8 calls for any legal conclusion, you
9 can answer, if you can.

10 THE WITNESS: I don't know
11 what every single student believes,
12 but are students told, especially
13 when GoGuardian first came out, but
14 afterwards, my tech coaches still
15 say to their teachers that they're
16 training new teachers that make the
17 students aware that we are able to
18 see everything, that we can and
19 it's not everything, but everything
20 that we can.

21 BY MR. SHAHIDPOUR:

22 Q. Is it your understanding that
23 according to the Student Use of Technology
24 Agreement and Release of Liability Form
25 that is in place today that IPS has the

CONFIDENTIAL

Page 158

1 right to monitor and record all IPS's
2 students use of district technology?

3 MS. SCULLION: Objection to
4 form, vague, lacks foundation.
5 Calls for speculation. And to the
6 extent it calls for a legal
7 conclusion.

8 THE WITNESS: Again, what I
9 can say is GoGuardian when it's
10 implemented and every single year,
11 we explain to students and staff
12 that GoGuardian is a monitoring
13 tool to make sure that students are
14 on task, engaged in learning in
15 that particular class.

16 BY MR. SHAHIDPOUR:

17 Q. Are there any other tools
18 besides GoGuardian that IPS uses to monitor
19 students' use of district technology?

20 A. The interactive boards are on
21 Palo Alto web filter, but that's mainly
22 used by teachers in front of the classroom,
23 but sometimes there are learning
24 opportunities where students go up in front
25 of the board and manipulate math problems

CONFIDENTIAL

Page 159

1 or whatever, find a state, find a city,
2 find a country, that sort of thing.

3 Q. Okay. And does IPS, as far
4 as you're aware, does IPS maintain a record
5 of what it monitors IPS students to be --
6 strike that.

7 You said IPS monitors
8 students' use of district technology using
9 GoGuardian?

10 A. That is correct.

11 Q. Does IPS keep a record of
12 that monitoring?

13 MS. SCULLION: Objection to
14 form. Vague.

15 THE WITNESS: So because we
16 pay GoGuardian, the company, they
17 keep a certain amount for a certain
18 amount of time, I'm not exactly
19 sure how long or how much, but this
20 is kept through the provider.

21 BY MR. SHAHIDPOUR:

22 Q. Are you able to pull reports
23 from GoGuardian about student activity on
24 district technology?

25 MS. SCULLION: Objection to

CONFIDENTIAL

Page 160

1 form. Vague.

2 THE WITNESS: I believe for a
3 certain amount of time, yes. When
4 that -- when that ends, I'm not
5 sure. Sometimes we have to then --
6 would have to go to GoGuardian
7 themselves and ask.

8 BY MR. SHAHIDPOUR:

9 Q. Have you ever -- oh, sorry,
10 so when you say that you would do it
11 without having -- when you would pull a
12 report without going through GoGuardian,
13 what does that entail?

14 A. Well, my technology coaches
15 monitor twice a day GoGuardian. Once in
16 the morning and once in the afternoon. And
17 they primarily looked at -- look at flagged
18 activities, which isn't necessarily a
19 report, but -- I guess it's a report, I
20 don't know how technical you want to get,
21 and they look at the flagged activities and
22 another section to see if students are not
23 online, if they're attempting to go to
24 various sites, what sites are they going
25 to. See there's a possibility of proxies

CONFIDENTIAL

Page 161

1 and those sort of things.

2 Q. So when technology coaches
3 are looking at these twice a day reports
4 you said, do they record what they find
5 anywhere from these monitoring sessions?

6 MS. SCULLION: Objection to
7 form.

8 THE WITNESS: Normally what
9 happens is if something seems off,
10 they will go to the administration
11 of that building and they will make
12 them aware of what the potential
13 issue possibly could be and then
14 the building administrator would
15 then conduct some sort of
16 investigation.

17 If it is at the middle
18 school and the high school, it
19 may be a dean doing the job, not
20 necessarily the administrator.

21 BY MR. SHAHIDPOUR:

22 Q. Yeah, but is it -- are these
23 activities that you're describing logged
24 anywhere?

25 MS. SCULLION: Objection to

CONFIDENTIAL

Page 162

1 form.

2 THE WITNESS: Logged, that,
3 I'm not sure. I think every tech
4 coach has a different relationship
5 with the building administration
6 and depending on what the building
7 administration wants, because,
8 again, it's kind of like the
9 building runs the building, we --
10 we notify them. They then take
11 appropriate action.

12 BY MR. SHAHIDPOUR:

13 Q. Thank you. You have
14 Exhibit 9 in front of you still; is that
15 right? That's this Chromebook Student User
16 Agreement Rules and Appropriate Usage.

17 A. I'm looking over it now. I
18 see it.

19 Q. Did you approve this policy?

20 MS. SCULLION: Objection to
21 form. I just would note that it's
22 labeled at the bottom as a draft
23 policy.

24 THE WITNESS: I don't think
25 anything is truly approved by me.

CONFIDENTIAL

Page 163

1 It's a collaborative effort. If
2 you're looking for approval,
3 everything goes to either the
4 assistant superintendent or the
5 superintendent for ultimate
6 approval and it would also go to
7 the building principal.

8 BY MR. SHAHIDPOUR:

9 Q. And at some point, it goes to
10 you, perhaps before it goes to the
11 superintendent; is that right?

12 A. It would come to me first, we
13 would kind of talk about it with the
14 technology coaches, find out what the needs
15 are in all different areas, and then we
16 also would speak with the register clerks,
17 the main office secretaries, because all of
18 them, when it comes to this sort of user
19 agreement have to participate in the
20 drafting of it, because there's a very good
21 chance our technology coach is not present
22 to hand out a Chromebook. If you look,
23 according to your Exhibit 7, Mr. Felder who
24 created this, he was at three different
25 schools. So he was at Berkeley Terrace, he

CONFIDENTIAL

Page 164

1 was at Grove Street, and he was at Madison.

2 MS. SCULLION: Uh-huh, thank
3 you.

4 THE WITNESS: So with that
5 being said, a lot of times, the
6 agreement has to also work for the
7 person distributing it, and a lot
8 of times that would either be the
9 register clerk, and the reason why
10 for the register clerk is because
11 they are there for new enrollments.
12 So if a student comes in brand new
13 and they're given a Chromebook,
14 they would be the ones doing that.

15 BY MR. SHAHIDPOUR:

16 Q. So I asked whether at some
17 point this document goes to you for
18 approval before it goes on to someone else.
19 I'm not sure if you caught whether that's
20 what I was asking you, but that's what I
21 asked.

22 A. It was --

23 MS. SCULLION: Hang on. I
24 need to be clear, which document
25 are you asking about, nine?

CONFIDENTIAL

Page 165

1 MR. SHAHIDPOUR: Yes.

2 MS. SCULLION: Okay.

3 MR. SHAHIDPOUR: Well, I asked
4 whether the -- let's look at what I
5 asked.

6 MS. SCULLION: Or just ask a
7 new question to be clear as to what
8 you're talking about.

9 BY MR. SHAHIDPOUR:

10 Q. Yeah. So at some point
11 before going onto the superintendent, an
12 iteration of the Chromebook Student User
13 Agreement goes to you for approval; is that
14 right?

15 A. No, we collaborate and draft
16 it and then it's sent to people above
17 me to approve. So if you're asking if I
18 collaborated in this, yes, I did.
19 Approved, no, I believe that's why, like,
20 it's drafts and things, it's then handed up
21 above us for the ultimate approval.

22 Q. And the Chromebook Student
23 User Agreement lays out certain rules and
24 behavioral expectations with respect to
25 student use of Chromebooks?

CONFIDENTIAL

Page 166

1 MS. SCULLION: Objection. To
2 the extent you're asking about
3 Exhibit No. 9, which again is
4 labeled as a draft, I don't know
5 that we have the final in front of
6 us.

7 MR. SHAHIDPOUR: I'm asking
8 about the Chromebook student user
9 agreement generally.

10 MS. SCULLION: So not
11 necessarily specific to Exhibit 9.
12 Okay. Thank you.

13 THE WITNESS: So ask the
14 question again, I apologize.

15 BY MR. SHAHIDPOUR:

16 Q. Does IPS's Chromebook Student
17 User Agreement lay out certain rules and
18 behavioral expectations with respect to
19 student use of Chromebooks?

20 A. I believe so.

21 Q. And those include some of the
22 items we see here on Exhibit 9 starting in
23 this numbered list on the first page; is
24 that right?

25 MS. SCULLION: Objection to

CONFIDENTIAL

Page 167

1 form. Lacks foundation. Calls for
2 speculation.

3 THE WITNESS: Could you repeat
4 the question one more time?

5 BY MR. SHAHIDPOUR:

6 Q. Sure. I can just ask, are
7 students allowed to destroy, deface, or
8 alter Chromebook identifying labels?

9 A. No, sir.

10 Q. Are students allowed to
11 engage in online activities while using the
12 Chromebook that are in violation of
13 Irvington Acceptable Use Policy?

14 A. No, sir.

15 Q. Are students allowed to send
16 messages via school technology with the
17 intent to intimidate, frighten, threaten,
18 harass, ridicule, or bully another person?

19 A. No, sir.

20 Q. Are students allowed to use a
21 Chromebook -- or strike that.

22 Are students allowed to
23 change, alter, bypass, or attempt to bypass
24 any Chromebook security measures?

25 A. No, sir.

CONFIDENTIAL

Page 168

1 Q. Is it a violation of IPS
2 Network/Internet Acceptable Use Policy to
3 share one's password with anyone else?

4 A. At the time, absolutely not,
5 you were not allowed to share.

6 Q. Okay. Did students -- were
7 students prohibited from keeping their
8 Chromebook even if a school administrator
9 requested them to provide it?

10 A. One more time.

11 Q. Were students required to
12 submit their Chromebooks to school
13 administration upon request?

14 A. Yes.

15 Q. Okay. So we looked at
16 number -- or we talked about a prohibition
17 about bypassing internet or filtered
18 internet sites. Strike that.

19 We talked about Chromebook
20 security measures including filtered
21 internet sites; is that right?

22 MS. SCULLION: Objection to
23 form. Mischaracterizes testimony.

24 THE WITNESS: We talked about
25 filtering of websites we have.

CONFIDENTIAL

Page 169

1 BY MR. SHAHIDPOUR:

2 Q. Yeah. And it's against IPS
3 policy for students to try to bypass those
4 filters?

5 A. That is correct.

6 Q. And you testified about
7 GoGuardian being one of those filters; is
8 that right?

9 A. That is correct.

10 Q. And you also testified about
11 Palo Alto, is that considered a filtering
12 service?

13 A. One part of it is.

14 Q. How does Palo Alto filter
15 online websites?

16 MS. SCULLION: Objection to
17 form. Vague.

18 THE WITNESS: It's -- we use
19 that primarily for our desktops,
20 for our interactive boards, and
21 primarily for our iPads if there's,
22 you know, use there. And then
23 Chromebooks are -- primarily use
24 GoGuardian.

25

CONFIDENTIAL

Page 170

1 BY MR. SHAHIDPOUR:

2 Q. I see. So is it the case
3 that GoGuardian and Palo Alto are both
4 filtering devices that apply to different
5 types of student -- or district technology
6 that students use?

7 A. Primarily, yes.

8 Q. Okay. Are there any other
9 web filters that IPS employs today?

10 A. Not that I know of.

11 Q. Would you be the one person
12 most knowledgeable about what web filters
13 IPS employs?

14 MS. SCULLION: Objection to
15 form, vague, lacks foundation.

16 THE WITNESS: Our network
17 administrator would probably be
18 more up to date, but in general,
19 those are the two. I don't know of
20 any other web filters.

21 BY MR. SHAHIDPOUR:

22 Q. And when did IPS start using
23 GoGuardian?

24 A. 2021 into 2022, I'm
25 suspecting.

CONFIDENTIAL

Page 171

1 Q. What did IPS use before
2 GoGuardian, if anything?

3 A. Oh, yes, iboss.

4 Q. Iboss?

5 A. Yes.

6 Q. What did -- when did IPS
7 start using Palo Alto?

8 A. Approximately five years ago.

9 Q. That would be 2020?

10 A. Uh-huh.

11 Q. What, if anything, did IPS
12 use before Palo Alto?

13 A. Iboss.

14 Q. So iboss applied to the types
15 of devices that both GoGuardian and Palo
16 Alto applied to; is that right?

17 A. Yes.

18 MS. SCULLION: Just a
19 reminder, let him finish his
20 question before you start.

21 THE WITNESS: Yes.

22 MS. SCULLION: Thank you.

23 BY MR. SHAHIDPOUR:

24 Q. And when did the district
25 start using iboss?

CONFIDENTIAL

Page 172

1 A. Well before my time.

2 Q. Well before your time. So
3 well before, not -- well before your time
4 at IPS?

5 A. No, well before my time as
6 district -- as director of technology.

7 Q. Through these web filters,
8 what sorts of web -- well, starting with
9 GoGuardian, what types of web content --
10 well, strike that.

11 Does GoGuardian filter out
12 certain web content from students' access
13 on district technology?

14 A. Yes.

15 Q. What sorts of content does it
16 filter?

17 A. We try to filter anything
18 noneducational.

19 Q. And does that apply -- does
20 GoGuardian apply only on Chromebooks?

21 A. Primarily.

22 Q. So when you say, "primarily,"
23 does that mean there are other devices on
24 which GoGuardian is installed?

25 A. I don't believe so. I

CONFIDENTIAL

Page 173

1 believe it's primarily Chromebooks.

2 Q. And so if a student is --
3 well, IPS has an internet network; is that
4 right?

5 A. It has an internet, yes, and
6 it has WAN.

7 Q. It has -- what was the last
8 one?

9 MS. SCULLION: W-A-N, WAN.
10 BY MR. SHAHIDPOUR:

11 Q. Okay. Are there any filters
12 that apply to devices that are connected to
13 IPS networks other than student -- other
14 than district technology that students use?

15 MS. SCULLION: Objection to
16 form.

17 THE WITNESS: Could you better
18 explain that question?

19 BY MR. SHAHIDPOUR:

20 Q. Sure. So when we walked in
21 today, you handed us, graciously handed us
22 the Wi-Fi password; is that right?

23 A. Yes, absolutely.

24 Q. And so that's is the password
25 for IPS's network?

CONFIDENTIAL

Page 174

1 A. Uh-huh.

2 Q. I can connect --

3 MR. SEXTON: Yes or no?

4 THE WITNESS: Yes.

5 MR. SEXTON: Thank you.

6 BY MR. SHAHIDPOUR:

7 Q. Thank you. And I can connect
8 to IPS's network on my personal device; is
9 that right, if I have the password?

10 A. That is correct.

11 Q. Are there any web filters or
12 other content filters that would block a
13 user's access when they are connected via
14 their personal device through IPS's
15 network?

16 MS. SCULLION: So I just want
17 to clarify, are you asking about --
18 my impression is there is more than
19 one network, there's a guest
20 network and then another network,
21 are you asking about one in
22 particular?

23 MR. SHAHIDPOUR: About IPS's
24 networks in general.

25 MS. SCULLION: Okay.

CONFIDENTIAL

Page 175

1 THE WITNESS: So we have one
2 pipe, we have separate VLANs.

3 THE STENOGRAPHER: Separate
4 what?

5 THE WITNESS: VLAN, V-L-A-N.
6 Now, the guest network was created
7 primarily for guests and those
8 would be people coming from the
9 outside to present. They would be
10 vendors. They would be
11 subcontractors who may need to
12 access the internet for some
13 reason. HVAC companies now have
14 ports within schools, correct. So
15 the guest network is filtered, but
16 less filtered because of access for
17 vendors, for lawyers, for anyone
18 that happens to come in that needs
19 to be able to do some sort of work
20 outside of the restricted
21 environment that we try and keep
22 our students as safe as possible.

23 BY MR. SHAHIDPOUR:

24 Q. And there are IPS networks
25 other than the guest network that you

CONFIDENTIAL

Page 176

1 mentioned?

2 A. Separate VLANs, one network,
3 one pipe and then your VLANs. So you would
4 have the Chromebooks are on one, we have
5 that on one, and then we -- and it's just
6 for network segmentation and then we have
7 the interactive boards on another
8 primarily. And that's -- Irvington guest,
9 Irvington -- there's about three.

10 Q. So just, generally speaking,
11 do -- does IPS employ content filters other
12 than GoGuardian or Palo Alto on any of its
13 networks?

14 A. Other than those two,
15 those -- that's it.

16 Q. Okay. GoGuardian blocks --
17 are you familiar with Defendants'
18 platforms?

19 MS. SCULLION: Objection to
20 form. Vague.

21 THE WITNESS: No.

22 BY MR. SHAHIDPOUR:

23 Q. Are you familiar that there
24 are Defendants in this case in which you
25 are testifying today?

CONFIDENTIAL

Page 177

1 A. I think we're talking about
2 social media, so Instagram, I'm guessing.

3 MS. SCULLION: Please don't
4 guess. If you don't know, you
5 don't know.

6 THE WITNESS: Instagram, I
7 think that's Facebook, Google, and
8 I don't remember who else.

9 BY MR. SHAHIDPOUR:

10 Q. Okay. That's totally fine.
11 Can you access Instagram on a device on
12 which GoGuardian is active?

13 A. No.

14 MS. SCULLION: In IPS?

15 MR. SHAHIDPOUR: In IPS.

16 MS. SCULLION: Thank you.

17 BY MR. SHAHIDPOUR:

18 Q. Is your answer no?

19 A. The answer is no.

20 Q. Can a user access Facebook on
21 a device on which GoGuardian is active in
22 IPS?

23 A. All right. So let me
24 rephrase both of those answers, the one
25 answer, and one I'm about to say.

CONFIDENTIAL

Page 178

1 GoGuardian attempts to block all. The
2 issue is that when backdoor sites occur,
3 and we don't know about it, when proxies
4 happen, and we don't know about it, and
5 GoGuardian doesn't -- can't and doesn't
6 catch. Do they access, they could, but if
7 we're just talking about routine trying to
8 go to Instagram, trying to go to any other
9 site that we have blocked, GoGuardian is
10 decent.

11 Q. Okay. Putting aside any
12 efforts to bypass GoGuardian, does
13 GoGuardian block the official Instagram
14 domain?

15 MS. SCULLION: Objection to
16 form.

17 THE WITNESS: Yes.

18 BY MR. SHAHIDPOUR:

19 Q. Does GoGuardian block the
20 official Facebook domain?

21 MS. SCULLION: Same objection.

22 THE WITNESS: Yes.

23 BY MR. SHAHIDPOUR:

24 Q. Does GoGuardian at IPS block
25 the official SnapChat domain?

CONFIDENTIAL

Page 179

1 MS. SCULLION: Same objection.

2 THE WITNESS: Yes.

3 BY MR. SHAHIDPOUR:

4 Q. Does GoGuardian at IPS block
5 the official TikTok domain?

6 MS. SCULLION: Same objection.

7 THE WITNESS: Yes.

8 BY MR. SHAHIDPOUR:

9 Q. Does GoGuardian at IPS block
10 the official YouTube domain?

11 MS. SCULLION: Same objection.

12 THE WITNESS: That's a little
13 bit more difficult to answer.
14 Again, we have blocked everything
15 we can and, again, with YouTube,
16 same thing, there is a process
17 where it has to be whitelisted, but
18 in the past, and I believe still
19 now, some other applications have
20 used content from YouTube as part
21 of their curriculum or whatever
22 that was, and with that being said,
23 we were kind of shocked when they
24 became -- the teacher can't access
25 this particular thing and we go,

CONFIDENTIAL

Page 180

1 why. And what we realized was that
2 it was YouTube. So then that had
3 to be whitelisted and it's those
4 sort of things that, you know,
5 that's why I can't give you a
6 definitive, if you understand.

7 BY MR. SHAHIDPOUR:

8 Q. No, I understand. Thank you
9 for explaining.

10 A. I'm trying.

11 Q. Okay. Did IPS start blocking
12 these official domains from the moment that
13 it implemented GoGuardian?

14 MS. SCULLION: Objection to
15 form.

16 THE WITNESS: So as a
17 district, again, as I've said
18 earlier, our main concern is the
19 safety of our students and their
20 ultimate attainment of education.
21 So what we do is we try and partner
22 with the best possible companies
23 and we follow mostly all the time,
24 mostly all the time what they
25 recommend for their standard

CONFIDENTIAL

Page 181

1 defaults and so on. So that
2 whatever GoGuardian told us to do,
3 that's what we did at the moment
4 that they told us to do it.
5 Because the value is in the
6 product, so we're going to follow
7 what the product details.

8 BY MR. SHAHIDPOUR:

9 Q. So did they make a
10 recommendation to you, they being -- well,
11 did GoGuardian make a recommendation to you
12 about what websites to block from the
13 moment that you first implemented
14 GoGuardian?

15 MS. SCULLION: Objection to
16 form.

17 THE WITNESS: Again, I believe
18 there's a collaborative effort. We
19 knew some that students were on
20 that we needed to block such as
21 some social media sites, gaming
22 sites, and then there were others
23 that GoGuardian suggested and we
24 listened to their suggestions.
25

CONFIDENTIAL

Page 182

1 BY MR. SHAHIDPOUR:

2 Q. So you mentioned there are
3 some other types of sites that GoGuardian
4 blocks, including gaming sites. What is a
5 gaming site?

6 A. A site that has games.

7 Q. Like video games?

8 A. Video games.

9 Q. Okay. Does GoGuardian also
10 block access to pornography?

11 A. Absolutely.

12 Q. And does GoGuardian block
13 specific -- let me rephrase. Does
14 GoGuardian block categories or websites by
15 category or are there specific domains
16 listed that are blocked?

17 MS. SCULLION: Objection to
18 form.

19 THE WITNESS: Both.

20 BY MR. SHAHIDPOUR:

21 Q. Both. So when GoGuardian
22 blocks a category of sites, what might a
23 category of sites look like?

24 A. Gaming.

25 Q. You mentioned that students

CONFIDENTIAL

Page 183

1 sometimes try to bypass GoGuardian filters
2 through other websites?

3 A. That is correct.

4 Q. And what kinds of websites
5 are those that -- that serve as proxies for
6 assessing otherwise blocked sites?

7 MS. SCULLION: Objection to
8 form.

9 THE WITNESS: Well, proxy
10 sites are kind of created every
11 kind of 30 seconds it seems like
12 and students will naturally look to
13 find the best ways of doing it. So
14 they will hop on YouTube sometimes
15 and they, you know, Google just how
16 to get around GoGuardian or, you
17 know, how to bypass school web
18 filters. And you'll find a video
19 that may or may not work, but,
20 again, it's our job to kind of stay
21 on top of it and keep our students
22 safe, because it's absolutely the
23 most critical thing. There's other
24 sites that, you know, again, will
25 have those sort of best ways to get

CONFIDENTIAL

Page 184

1 around your school website and, you
2 know, all different forms, it could
3 be Reddit, it could be, you know,
4 you name it.

5 BY MR. SHAHIDPOUR:

6 Q. So do these websites that
7 facilitate students bypassing web filters
8 such as GoGuardian, do they post -- do they
9 pose cybersecurity risks for schools like
10 IPS?

11 MS. SCULLION: Objection to
12 form and lacks foundation.

13 THE WITNESS: Oh, they could.

14 BY MR. SHAHIDPOUR:

15 Q. Would you say that
16 cybersecurity is one of the top priorities
17 for your position?

18 A. It is definitely becoming a
19 very important one. That's why we've
20 teamed up with the Department of Homeland
21 Security, CISA, to work on that, because,
22 again, we want to have the best possible
23 people on board working with us.

24 Q. Has IPS suffered from any
25 cybersecurity breaches in the last five

CONFIDENTIAL

Page 185

1 years?

2 MS. SCULLION: Objection to
3 form. Vague.

4 THE WITNESS: Us personally,
5 no. Did PowerSchool get breached?
6 Yes. But PowerSchool is hosted,
7 it's not within the domain of
8 Irvington Public Schools.

9 BY MR. SHAHIDPOUR:

10 Q. And so when you say
11 PowerSchool got breached, did IPS student
12 or staff data become exposed through the
13 PowerSchool breach that you referenced?

14 A. Student data, yes.

15 Q. Okay. I'm going to hand you
16 tab nine which I think we're on Exhibit 10.

17 - - - - -

18 (Email String Bates

19 BW__Irvington00338969 marked
20 Amberg Exhibit 10 for
21 identification.)

22 - - - - -

23 BY MR. SHAHIDPOUR:

24 Q. Let me know when you've had a
25 chance to scan the document.

CONFIDENTIAL

Page 186

1 A. Do you have the other part of
2 it?

3 Q. Sure. I can hand you tab 9A,
4 which we'll mark as Exhibit 11, and I will
5 represent that this is the attachment to
6 Exhibit 10.

7 A. I can't see.

8 MS. SCULLION: It's a bit
9 light.

10 THE WITNESS: Could you --

11 MS. SCULLION: He can.

12 THE WITNESS: -- magnify
13 Exhibit 11 for me? I'm getting
14 old.

15 MS. SCULLION: Well, we're
16 probably the same age, the print is
17 quite light on this.

18 THE WITNESS: Not this one,
19 it's 11.

20 MR. SHAHIDPOUR: Yeah, we can
21 start with 11, well, especially if
22 the witness --

23 MS. SCULLION: Thank you.

24 MR. SHAHIDPOUR: -- wants to
25 look at it more closely.

CONFIDENTIAL

Page 187

1 MS. SCULLION: Are you able to
2 look at that?

3 THE WITNESS: Okay.

4 - - - - -

5 (Letter to Parents Bates
6 BW__Irvington00338970 marked
7 Amberg Exhibit 11 for
8 identification.)

9 - - - - -

10 BY MR. SHAHIDPOUR:

11 Q. In 2022, you told parents --
12 well, let's start with the letter. Is this
13 a letter that you sent or sought to have
14 sent to parents or guardians of IPS
15 students in 2022?

16 MS. SCULLION: Objection to
17 form.

18 THE WITNESS: That is -- that
19 is correct.

20 BY MR. SHAHIDPOUR:

21 Q. That is correct. In 2022, in
22 this letter, looking at Exhibit 11, you
23 told parents that, "The safety and security
24 of our students and staff is an utmost
25 priority for the district. We are

CONFIDENTIAL

Page 188

1 constantly evolving as threats to our
2 cybersecurity and well-being of our
3 district become apparent. Earlier this
4 year, the FBI warned that hackers from
5 around the world are targeting K through 12
6 schools. In response, the Irvington Board
7 of Education updated the district firewall
8 and purchased two web filters. We have
9 tightened security by removing browser
10 extensions, only allowing whitelisted sites
11 to be accessed. In addition, we are
12 monitoring activity at both a macro and a
13 micro level."

14 Do you see that?

15 A. I do.

16 Q. What are the two web filters
17 that are referenced here?

18 A. Palo Alto and GoGuardian.

19 Q. And when it says,
20 "whitelisted," when you say, "only allowing
21 whitelisted sites to be accessed," what do
22 you mean by that?

23 A. What I mean is that a site
24 must be approved by a building
25 administrator, a content supervisor,

CONFIDENTIAL

Page 189

1 someone like that. A teacher can't even
2 say, hey, I want this opened up. I say,
3 okay, please go to your building
4 administrator, please go to your content
5 supervisor, and ask them to ask me and then
6 we discuss it and then we open it up if
7 appropriate.

8 Q. And what is the district
9 firewall that's referenced in this, just
10 before the two web filters in --

11 A. Palo Alto.

12 Q. Palo Alto. So Palo Alto is
13 both the district firewall referenced here
14 and one of the web filters referenced here?

15 A. That's correct.

16 Q. Okay. You write in the next
17 paragraph that there were several attempts
18 to infiltrate and exploit IPS applications
19 in the previous year; is that right?

20 A. That is correct.

21 Q. The IPS technology team
22 identified and mitigated those threats?

23 A. Uh-huh.

24 Q. And, finally, at the end, you
25 encourage IPS guardians and parents to

CONFIDENTIAL

Page 190

1 speak with their children about online
2 threats to -- online threats and internet
3 safety; is that right?

4 A. That appears to be correct.

5 Q. And you directed them to
6 iamcybersafe.org/s/parent tips; is that
7 right?

8 A. I see that.

9 Q. Some basic cybersecurity tips
10 one might find on a site like that are
11 don't click on pop-ups; is that right?

12 A. Uh-huh.

13 MS. SCULLION: Objection to
14 form. Lacks foundation.

15 BY MR. SHAHIDPOUR:

16 Q. Using parental controls?

17 MS. SCULLION: Same
18 objections.

19 THE WITNESS: Correct, for
20 some.

21 BY MR. SHAHIDPOUR:

22 Q. Not accepting friend requests
23 from strangers?

24 MS. SCULLION: Same
25 objections.

CONFIDENTIAL

Page 191

1 THE WITNESS: That would be
2 one.

3 BY MR. SHAHIDPOUR:

4 Q. Not to meet in person with
5 anyone you meet online if you're underaged?

6 MS. SCULLION: Same
7 objections.

8 THE WITNESS: That is correct.

9 BY MR. SHAHIDPOUR:

10 Q. Did you have students sign
11 and return a slip to avoid suspension of
12 children's internet and Chromebook
13 privileges in conjunction with this letter?

14 MS. SCULLION: Objection to
15 form. You say, "a slip," you mean
16 the letter?

17 MR. SHAHIDPOUR: Yes.

18 THE WITNESS: So, again, sir,
19 I work in collaboration with the
20 buildings, so, again, it is the
21 building principals that
22 disseminate, it's the building
23 principals that operate, so have I
24 seen any of that, no, I have not,
25 because that's really the

CONFIDENTIAL

Page 192

1 building's responsibility.

2 BY MR. SHAHIDPOUR:

3 Q. But this is the letter that
4 you wrote, right?

5 A. That is correct.

6 Q. And in the letter you wrote
7 you asked parents to please sign and return
8 the form before January 15, 2023; is that
9 right?

10 A. That is correct.

11 Q. Okay. Did any -- do any
12 students -- did any students have their
13 internet and Chromebook privileges
14 suspended for failing to return signed
15 versions of the form referenced here as far
16 as you know?

17 A. That I'm not sure of,
18 because, again, the building principals are
19 the ones that disseminate, put them in
20 their backpacks for elementary school, that
21 sort of thing, and then they would also be
22 the ones collecting, so I'm really not
23 sure.

24 Q. Okay. I'll hand you tab ten,
25 which we'll mark as Exhibit 12. So

CONFIDENTIAL

Page 193

1 included on this first page is just
2 metadata, what the document that was
3 actually produced to us from IPS starts on
4 the second page. So --

5 A. I'm aware of this.

6 Q. Sorry, what was that?

7 A. I'm aware.

8 - - - - -

9 (Letter Bates

10 BW__Irvington00463682 to 463688
11 marked Amberg Exhibit 12 for
12 identification.)

13 - - - - -

14 BY MR. SHAHIDPOUR:

15 Q. Turning back to the first
16 page of the letter, do you see your
17 letterhead at the top there?

18 A. I do.

19 Q. Did you write this letter?

20 A. I did.

21 Q. To whom did you -- well, did
22 you send this letter to anyone?

23 A. I believe that this was
24 emailed to the staff of Irvington Public
25 Schools.

CONFIDENTIAL

Page 194

1 Q. Was it emailed to anyone else
2 as far as you remember?

3 A. I believe it was the staff of
4 Irvington Public Schools.

5 Q. And then looking at the top
6 of this first page of the letter, is it
7 true -- well, did you write that the
8 technology department is constantly working
9 to improve the safety and security of IPS
10 infrastructure?

11 A. Sir, all of us are here to
12 make sure our students are as safe as
13 possible. We work with some of the best
14 companies to provide the best safety and
15 security for our students.

16 Q. I'm sure that you do and I'm
17 sure you work very hard at it. Throughout
18 the letter, you actually explain the ways
19 in which you do that, right?

20 A. Yes, sir.

21 Q. You start by talking about
22 GoGuardian.

23 Do you see that?

24 A. I do.

25 Q. You say that this year you

CONFIDENTIAL

Page 195

1 had noticed an uptick in cybersecurity
2 threats and teachers are not utilizing the
3 use of GoGuardian Scenes; is that correct?

4 A. That is correct.

5 Q. And GoGuardian is a measure
6 the IPS employs to mitigate cybersecurity
7 threats? I'm sorry, that's not on the
8 page, that was a question.

9 A. I'm sorry, say it one more
10 time.

11 Q. Is GoGuardian a measure that
12 IPS employs to mitigate cybersecurity
13 threats?

14 A. Cybersecurity threats, I
15 think we try and do that in many, many
16 different ways. I think to say that's it,
17 no, it's just a tool in a toolbox. It's
18 also used as an engagement strategy,
19 meaning if kids aren't on social media,
20 they're able to focus on history. If
21 they're, you know, if they're not looking
22 up something else, they're able to focus on
23 algebra. So I think it's a tool, but
24 there's many different tools that we really
25 do try. Something very simple as sending

CONFIDENTIAL

Page 196

1 out newsletters to staff members saying,
2 hey, watch out for, you know, phishing and
3 giving examples of phishing emails.

4 Q. Sure. I didn't mean to
5 suggest that it was the only way that IPS
6 does that, I just asked if it was a measure
7 that IPS employs --

8 A. One of the tools --

9 Q. -- to mitigate cybersecurity
10 threats?

11 A. One of the tools, but
12 GoGuardian has a lot more value than just
13 that.

14 Q. But it's an important tool in
15 the toolbox to mitigate cybersecurity
16 threats; is that true?

17 MS. SCULLION: Objection to
18 form.

19 THE WITNESS: I think that
20 having end users paying, really,
21 attention to their emails and not
22 clicking on links is, according to
23 what I just learned from CISA, is
24 probably even more important.
25

CONFIDENTIAL

Page 197

1 BY MR. SHAHIDPOUR:

2 Q. What is CISA?

3 A. It's our Department of
4 Homeland Security, their cyber intelligence
5 wing that works with school districts to
6 help fortify schools and public companies,
7 public organizations, local governments,
8 libraries, if I'm missing something, I
9 apologize, but they work with all different
10 local, state, federal companies to really
11 help struggling, you know, districts and so
12 on that, you know, are overburdened by so
13 many different things that we're, you know,
14 competing to take care of, like testing,
15 you know, and everything else that goes on.
16 So it's a wonderful -- it's a wonderful
17 agency that we're working with.

18 Q. So does CISA, do you know if
19 CISA recommends districts install web
20 filters?

21 A. Well, in order, you know,
22 truthfully, to be CIPA compliant, you have
23 to have a web filter. So that's beyond,
24 you know, Child Internet Protection Act, we
25 have to protect our students as safety 101.

CONFIDENTIAL

Page 198

1 Q. And GoGuardian would be one
2 of those web filters that would be required
3 by CIPA?

4 A. That they're one of, yes --

5 Q. And --

6 A. -- that and Palo Alto.

7 Q. Sorry, I didn't mean to
8 interrupt. CIPA is the Child Internet --

9 A. Protection Act.

10 Q. Privacy and Protection Act?

11 A. Yes.

12 Q. And that's a federal statute?

13 A. Uh-huh. Yes.

14 Q. Yes.

15 A. I remembered, sir.

16 Q. Going on to the page that
17 ends in 684 of this letter, and looking at
18 the paragraph that -- well, are you with
19 me?

20 A. I am now.

21 Q. And then looking at the
22 paragraph that says, "To make matters
23 worse," do you see that paragraph?

24 A. Uh-huh.

25 Q. In this paragraph, you

CONFIDENTIAL

Page 199

1 explain that students were using the dark
2 web, copying and pasting scripts, and using
3 sites and portals to access the
4 unrestricted net; is that right?

5 A. Uh-huh, yes, sir.

6 Q. Thank you. And later on in
7 the paragraph you note that students were
8 copying and pasting JavaScripts to complete
9 i-Ready and other applications?

10 A. That is correct.

11 Q. So does that mean students
12 were faking progress on academic
13 assignments by using fake -- by using
14 JavaScripts?

15 A. I-Ready stated that they had
16 a hole that they didn't alert and the
17 students found a way going on social media
18 sites and said, hey, you can complete
19 your -- all of your science work, you know,
20 it's not science, but your reading in, you
21 know, two hours and they were able to hop
22 on and we noticed it, teachers noticed it,
23 because students were getting done way too
24 quick. And then we started, you know,
25 looking around, asking questions, we ended

CONFIDENTIAL

Page 200

1 up calling i-Ready and try to mitigate it.

2 Q. So did i-Ready tell you that
3 students were accessing this information
4 via social media?

5 A. It was students telling us.

6 Q. Students told you that they
7 accessed social media to find ways to fake
8 completion on i-Ready?

9 A. That is correct.

10 Q. Which sites did students tell
11 you they used to accomplish that?

12 A. I can't remember in all
13 honesty all, but I believe you had Discord.
14 You had -- I believe one was YouTube, and I
15 don't remember the rest, I apologize.

16 Q. You said Discord was one of
17 them?

18 A. Yeah, I believe so.

19 Q. Would Reddit have been a
20 possible website that students used?

21 MS. SCULLION: Objection to
22 form. Lacks foundation. Calls for
23 speculation.

24 THE WITNESS: I don't
25 remember, sir, I'm sorry.

CONFIDENTIAL

Page 201

1 BY MR. SHAHIDPOUR:

2 Q. That's fine. And so this is
3 a -- that's students watching or viewing
4 content that taught them how to fake
5 completion of academic assignments was a
6 problem for IPS?

7 A. I think it would be a problem
8 for any school district.

9 Q. But it was for IPS?

10 A. But it was for that time for
11 IPS, absolutely.

12 Q. Okay. And then next
13 sentence, you note that IPS students
14 downloaded complete movies?

15 A. Uh-huh.

16 Q. Triggering a copyright
17 infringement inquiry?

18 A. That's correct.

19 Q. And is that using the
20 district's network that students were able
21 to accomplish that?

22 A. That is correct.

23 Q. Is that on school-issued
24 devices that students were able to download
25 complete movies?

CONFIDENTIAL

Page 202

1 A. That is correct. They hid it
2 in a Google slide and, unfortunately, when,
3 when you allow Google, you know, to be wide
4 open, which whether it's slide, whether
5 it's Excel -- sheets, whether it's docs,
6 and, again, I don't have a problem with
7 Google Classroom, any of that. What I have
8 a problem with is the idea of when it's
9 embedded, we're not looking at a Google doc
10 in that respect, right, and they were able
11 to open it up through that.

12 Q. And so you testified that
13 students are kind of ingenious about
14 finding ways to accomplish things that the
15 district doesn't want them to do on
16 district technology?

17 A. I believe all kids, if they
18 have the motivation to do whatever it is,
19 good or bad, I think that they're going to
20 try. My hope is that they're going to be
21 motivated to learn, motivated to follow the
22 right path, motivated to really go and have
23 a bright future.

24 Q. Students doing -- engaging in
25 that behavior of violating the district's

CONFIDENTIAL

Page 203

1 use of technology policy potentially
2 exposes IPS to cybersecurity threats?

3 MS. SCULLION: Objection to
4 form. Vague.

5 THE WITNESS: I would suspect.

6 BY MR. SHAHIDPOUR:

7 Q. So onto the next page ending
8 in 685.

9 A. Bad photocopying.

10 Q. Looking at the paragraph down
11 there, in the middle of the page, you note
12 that, "There are things we can do as a
13 district."

14 Do you see that?

15 A. Yes.

16 Q. That's things that the
17 district can do to combat cybersecurity
18 threats; is that right?

19 A. That's -- yes, that's part --
20 that's part of what we can do, yes.

21 Q. You note that, "Classroom
22 Management is the best first line of
23 defense."

24 A. That is what I said.

25 Q. "Teachers must monitor their

CONFIDENTIAL

Page 204

1 students."

2 A. That is correct.

3 Q. What do you mean by,
4 "classroom management"?

5 A. So teachers have to juggle
6 many, many hats. They're working with
7 students of all different abilities in
8 their classroom. And part of classroom
9 management is making sure students stay on
10 task. Sometimes it's easy, sometimes it's
11 hard. Speaking personally as a teacher of
12 20 years, depending on the classroom
13 makeup, depending on the day, it can be
14 incredibly difficult.

15 Adding on social/emotional
16 issues that a lot of times stem from social
17 media makes it even more difficult. And
18 when students are more distracted by other
19 things, classroom management almost becomes
20 impossible. So our goal is for every
21 student to be safe and learning, but it
22 does become difficult because of these
23 things.

24 Q. And here you note that
25 classroom management is the best first line

CONFIDENTIAL

Page 205

1 of defense and is that the best first line
2 of defense against cybersecurity threats
3 that are discussed elsewhere in this
4 letter?

5 A. Well, again, it depends on
6 who this is directed to, correct, so one
7 great line of defense for cybersecurity
8 would be to have ClearPass by HP, which
9 locks down every single port in a room so
10 that a person couldn't take a Raspberry Pi,
11 stick it in and cause a DDoS attack or
12 something like that, right? So if you can
13 lock down every port that would be great,
14 that's important.

15 Using, you know, a phishing
16 app is a great line of defense for
17 secretaries and for teachers and everybody
18 else who access their computers and go on
19 email and, boom, they're hit with
20 something. So it really depends on -- so
21 if you're talking specifically a teacher in
22 a classroom, there's many different things,
23 but classroom management being -- being
24 engaged and working with the students,
25 absolutely, until it becomes a point where

CONFIDENTIAL

Page 206

1 it becomes overwhelming and many times,
2 that's the issue.

3 Q. So when you're talking to
4 teachers, you have to remind them that
5 classroom management is a priority when it
6 comes to mitigating cybersecurity threats;
7 is that right?

8 A. I would hope that every
9 single teacher's main focus is education.
10 That's the key. So, hopefully, they're not
11 having to mitigate cybersecurity threats.
12 Isn't that kind of a shame to think that
13 teachers have to do that? I mean, that
14 should be somebody else's job. Like,
15 teachers are there to teach math and
16 science, probably not to make sure that a
17 Russian hacker is coming in to hack their
18 classroom. But, unfortunately, if students
19 are trying to figure out how to get around,
20 how to get around, how to get around the
21 web filters and so on, this becomes an
22 issue and to ask a teacher, classroom
23 management is, hey, Billy, please get back
24 and focus on this. Do you need help? How
25 about doing a think, pair, share with Kagan

CONFIDENTIAL

Page 207

1 strategies? That's classroom management.
2 Getting students so excited about learning,
3 that's the key. The fact that now that
4 they have to wear, like, a white hat hacker
5 and go around to make sure that we're not
6 being infiltrated, I mean, that should be
7 someone else's job.

8 Q. Having to deal with these
9 constant threats that you talk about in
10 this letter, this cat and mouse game that
11 detracts from the educational mission --

12 A. I was speaking specifically
13 about me and our department --

14 MS. SCULLION: Just please let
15 him finish --

16 THE WITNESS: Yes.

17 MS. SCULLION: -- his question
18 and then you can give your answer.
19 Thank you.

20 MR. SHAHIDPOUR: I was
21 finished. I can repeat it.

22 MS. SCULLION: That would be
23 great. Thank you.

24 BY MR. SHAHIDPOUR:

25 Q. Yeah. Having to deal with

CONFIDENTIAL

Page 208

1 these constant threats and the cat and
2 mouse game that you reference in this
3 letter with hackers and other bad actors
4 exposing IPS to cybersecurity threats, it
5 detracts from the educational mission of
6 the school?

7 MS. SCULLION: Objection to
8 form. Mischaracterizes testimony.

9 THE WITNESS: So technology
10 coaches, right, we -- and
11 technicians for that matter, but
12 technology coaches are in the
13 buildings supposedly working with
14 the teachers teaching them, hey,
15 this is what Google just put out,
16 the latest form of Google Classroom
17 or, hey, we, you know, we have a
18 new program we're bringing in,
19 PowerSchool just created a new
20 update. Those are the things that
21 should be worked on every day,
22 that's why technology coaches are
23 teachers, their certifications,
24 they're teachers. They're here to
25 help teachers teach better. But

CONFIDENTIAL

Page 209

1 having to play this cat and mouse
2 game of, hey, what is a kid doing
3 now, what are the students, where
4 are they, are they -- it's pulling
5 away from the ability of teachers
6 to teach and isn't that what we're
7 here for?

8 BY MR. SHAHIDPOUR:

9 Q. Thank you for your fulsome
10 answer. Later in this paragraph, you write
11 that you've monitored students playing
12 games?

13 A. Uh-huh.

14 Q. Is that a yes?

15 A. That is correct, we have.

16 Q. And did you watch or did you
17 observe them enjoying full-length movies
18 and visiting problematic sites, including
19 Russian gaming sites?

20 A. Can you rephrase that,
21 because I think you're saying that we're
22 sitting there physically watching, no,
23 we're not physically watching. It's
24 through a GoGuardian or through other, a
25 teacher catching it and calling us in, but,

CONFIDENTIAL

Page 210

1 no, we're not, you know, watching students
2 in the classroom.

3 Q. No, that's fair. And if you
4 want me to rephrase, I'll rephrase, but I
5 think that you captured the gist of my
6 question, which is, your department
7 monitors students and alerted
8 administrators as to issues such as
9 students playing games, enjoying
10 full-length movies, and visiting
11 problematic sites including Russian gaming
12 sites; is that right?

13 A. And that is correct and so
14 unfortunate, because our team has so many
15 other responsibilities, fixing Chromebooks.
16 Chromebooks break. I love Chromebooks, if
17 Google is here, okay, I do, but, you know,
18 and I appreciate, I'll put this on the
19 record, I appreciate that they changed the
20 end of life and expanded that, wonderful.
21 But it's our job to teach. It's our job to
22 make sure the students are learning and
23 when we're working on cybersecurity
24 threats, when we're working on, you know,
25 social media issues, it takes away from,

CONFIDENTIAL

Page 211

1 hey, we need to get this Chromebook fixed,
2 mailed out to the place that it is being
3 fixed, relog it back in, bring it back to
4 the cart, working with teachers. I mean,
5 there's working on data, all the things
6 that we've talked about earlier, that's our
7 goal. Let's get our kids educated the best
8 we can.

9 MR. SEXTON: Object to
10 everything after "that is correct"
11 as nonresponsive and move to
12 strike.

13 THE STENOGRAPHER: Object to
14 everything after what?

15 MR. SEXTON: "That is
16 correct."

17 MS. SCULLION: And we contest
18 the motion.

19 MR. SHAHIDPOUR: We can take a
20 break here if the witness --

21 MS. SCULLION: Yes, let's take
22 a break.

23 MR. SHAHIDPOUR: -- and
24 counsel would like.

25 MS. SCULLION: Yup.

CONFIDENTIAL

Page 212

1 THE VIDEOGRAPHER: The time
2 right now is 2:20 p.m. We're off
3 the record.

4 - - - - -

5 (A recess was taken at this time.)

6 - - - - -

7 THE VIDEOGRAPHER: The time
8 right now is 2:43 p.m. We're back
9 on the record.

10 BY MR. SHAHIDPOUR:

11 Q. Welcome back, Mr. Amberg.

12 A. Thank you.

13 Q. I've handed you tab 11, which
14 we'll mark as Exhibit 13. I'll represent
15 that this was not produced in discovery in
16 this case, but it is a -- extracted from a
17 web page on IPS's website. Have you seen
18 this letter before? I know it's a bit
19 small.

20 A. Can you do me a favor, sir,
21 could you just --

22 MS. SCULLION: Enlarge it.

23 THE WITNESS: I see.

24 - - - - -

25 (IPS Website Page marked

CONFIDENTIAL

Page 213

1 Amberg Exhibit 13 for
2 identification.)

3 - - - - -

4 BY MR. SHAHIDPOUR:

5 Q. So have you seen this letter
6 before?

7 A. It's, I believe, on the
8 website.

9 Q. Have you seen it on IPS's
10 website?

11 A. In all honesty, I don't think
12 I've seen it, but it looks like it's IPS's
13 website, so I'm going to go yes.

14 Q. Okay. Dr. Vauss wrote this
15 letter?

16 MS. SCULLION: Objection to
17 form. Lacks foundation. Calls for
18 speculation.

19 THE WITNESS: That, I'm not
20 sure, because what I do know is
21 that GoGuardian also sends out,
22 especially when you purchase --
23 well, let me take that back. Most
24 applications when you purchase an
25 application will have, you know,

CONFIDENTIAL

Page 214

1 exciting news to parents and, you
2 know, those sort of things,
3 publicizing various, so I'm not
4 sure, it looks a little bit like
5 that, but it could have come from
6 Dr. Vauss too.

7 BY MR. SHAHIDPOUR:

8 Q. But even if she didn't
9 necessarily write it, it's signed by
10 Dr. Vauss at the bottom; is that right?

11 A. It looks to be, yes.

12 Q. And it notes that if parents
13 need further clarification, they should
14 contact the technology department.

15 Do you see that toward the
16 very bottom before Dr. Vauss signs?

17 A. I do.

18 Q. Okay. And so going back up a
19 little bit to the section titled, "When and
20 how does GoGuardian operate?" Do you see
21 that the letter notes that, "The
22 GoGuardian's web-based services operate on
23 our school's managed Google Suite for
24 Education Chrome accounts, i.e., when a
25 student is logged into Chrome or a

CONFIDENTIAL

Page 215

1 Chromebook with his or her school email
2 address."

3 Do you see that?

4 A. I do.

5 Q. Is that an accurate
6 description of how GoGuardian operates
7 on -- at IPS?

8 A. Well, it's any Chromebook, I
9 believe all of our Chromebooks have an
10 extension, a GoGuardian extension that's on
11 it, and what I believe they're referring to
12 is as long as they're not in guest, because
13 remember, I believe at that time -- does it
14 say 2021?

15 MS. SCULLION: Well, Counsel,
16 it does raise a question about, you
17 know, what is the date of this?

18 THE WITNESS: Yeah, this does
19 say 2021. So in the 2021 school
20 year, and you're now dealing with
21 COVID and so on, there was a -- it
22 was open to guest mode, especially
23 so that whether it was students,
24 parents were able to access bank
25 accounts or whatever it was at that

CONFIDENTIAL

Page 216

1 particular time, but I think that's
2 what it's referring to.

3 BY MR. SHAHIDPOUR:

4 Q. So just to make sure I
5 understand, when a student is -- at the
6 time of this letter --

7 A. Correct.

8 Q. -- when a student -- or
9 strike that.

10 At the time of this letter,
11 when an IPS-issued Chromebook was being
12 used, it could be used either in the
13 student's account or a guest account to log
14 into the Chromebook?

15 A. It had the ability to go
16 through either guest or student through
17 Clever.

18 Q. Through what was the last?

19 A. Clever.

20 Q. Clever. What is Clever?

21 A. Our single sign-on.

22 Q. Single sign-on. And so
23 GoGuardian only applied, is it true that
24 GoGuardian only applied when somebody was
25 logged into an IPS-issued Chromebook on the

CONFIDENTIAL

Page 217

1 student account through Clever?

2 A. So again, just like today
3 with the guest network, guest network is
4 still web filtered and blocked, but it has
5 a little bit more, just like for you
6 vendors, anyone that comes in, to be able
7 to go to what they're dealing with. So I
8 think on guest, we allowed some banking
9 information for parents. I think we
10 allowed medical information, like being
11 able to go to medical, like, I'm trying to
12 think now, health, Blue Cross Blue Shield
13 and Aetna and things like that, that is not
14 allowed for students, but during COVID, it
15 was -- oh, telehealth, we also allowed, so
16 that students and parents that need to see
17 a doctor and so on, but couldn't get there
18 because of COVID, that they could be able
19 to access that.

20 Q. So there are two different
21 tiers of web filtering that apply,
22 depending on which type of account you're
23 logged into?

24 A. So guest, as I explained
25 earlier, guest mode is still web filtered,

CONFIDENTIAL

Page 218

1 right, but it has a little bit more
2 tolerance to get to certain things, not --
3 not pornography, not any of that stuff, but
4 at that time, if a parent needed to access
5 a bank account, telehealth, Aetna, those
6 things, we allowed some of those things to
7 be open so that it could be used.

8 Q. So the web filter that has a
9 little bit more tolerance for the guest
10 account, is that also GoGuardian?

11 A. Everything is covered by
12 GoGuardian. It's just what was allowed at
13 that time.

14 Q. They had different
15 whitelists?

16 A. So, it's -- yeah, perfect.

17 Q. Was Netflix whitelisted for
18 the guest accounts?

19 A. I don't think any streaming
20 service was whitelisted for anything. Now,
21 to be clear, if there's ever a student
22 party, you know, a thing where they're
23 doing something after school, we may be
24 asked to whitelist something for an hour or
25 two, whatever, and then it goes right back

CONFIDENTIAL

Page 219

1 on, but that's it.

2 Q. Okay. And then looking down
3 at the next section of the letter under
4 "What are my parental/guardian and child
5 responsibilities?" Do you see that what
6 I'm referring to there?

7 Do you see the section?

8 A. Yeah, I'm reading it right
9 off what he's giving me.

10 Q. Okay.

11 A. Yes.

12 Q. And this letter to parents or
13 guardians, IPS informed them that they are
14 responsible for supervising their student's
15 internet access and usage when a student is
16 off campus?

17 A. Uh-huh.

18 Q. Did GoGuardian on a student
19 account still apply even if -- on a student
20 Chromebook still apply even if a student
21 was off campus?

22 A. Yes, it still does.

23 Q. It still does today?

24 A. Uh-huh.

25 Q. And students use their

CONFIDENTIAL

Page 220

1 Chromebooks off campus today?

2 A. It depends on the school. K
3 through 7, everything is classroom based
4 now. We're giving back ECFs, so they will
5 be totally only in school. High school
6 and, I believe, eighth grade are able to
7 bring their Chromebooks back and forth,
8 because they're doing projects, this or
9 that.

10 Q. Is it true from your
11 perspective that parents are ultimately
12 responsible for monitoring students' use of
13 technology at home?

14 MS. SCULLION: Objection to
15 form and mischaracterizes the
16 document. This is not his
17 document.

18 MR. SHAHIDPOUR: I was asking
19 about his perspective.

20 MS. SCULLION: Well, okay.

21 THE WITNESS: Looking at
22 specifically what was written, what
23 I believe they were talking about
24 was Google Classroom.

25 MS. SCULLION: If I understand

CONFIDENTIAL

Page 221

1 counsel, he was not asking you
2 about the document anymore; is that
3 correct?

4 MR. SHAHIDPOUR: That's
5 correct.

6 MS. SCULLION: Okay. He's not
7 asking about the document. Do you
8 want to repeat the question,
9 please?

10 MR. SHAHIDPOUR: And this is
11 precisely why the speaking
12 objections can distract from the --

13 MS. SCULLION: No, the --

14 MR. SHAHIDPOUR: -- question.
15 Is it true --

16 MS. SCULLION: No, the witness
17 was confused as to whether you were
18 in fact, because it's still in
19 front of him on the screen and
20 highlighted, he thought you were
21 asking about the actual sentence in
22 this document.

23 MR. SEXTON: He didn't say he
24 was confused. He didn't say he was
25 confused. He spontaneously offered

CONFIDENTIAL

Page 222

1 the coaching. He no longer --

2 MS. SCULLION: No, he was --
3 he was about to answer the question
4 trying to explain who -- what this
5 person, whoever wrote it meant.
6 And that's not the question.

7 MR. SEXTON: He had
8 already said he --

9 MS. SCULLION: No, but
10 please --

11 MR. SHAHIDPOUR: We can move
12 on --

13 MS. SCULLION: -- repeat the
14 question.

15 BY MR. SHAHIDPOUR:

16 Q. We can move on. Mr. Amberg,
17 I had asked, is it true from your
18 perspective that parents are ultimately
19 responsible for monitoring students' use of
20 technology at home?

21 THE WITNESS: In general, like
22 everything that we've talked about,
23 I believe it's a collaborative
24 effort. I believe that there's
25 many parties that have

CONFIDENTIAL

Page 223

1 responsibility. I believe parents
2 have a portion of that. I
3 absolutely agree. I think that
4 students themselves have a portion.
5 And then I also believe that
6 companies that are offering have a
7 responsibility too.

8 So I think it's -- I think
9 if we become, you know, if we
10 understand that it's not just one
11 party, but every single party is
12 contributing, and I think that
13 for parents, especially in areas
14 where parents are working
15 multiple jobs, I think in areas
16 where parents are single parents,
17 areas where parents may not have
18 English as their first language,
19 it becomes even more of a
20 responsibility of companies to
21 help with this.

22 BY MR. SHAHIDPOUR:

23 Q. Okay. You testified earlier
24 a little bit about the Child's Internet
25 Protection Act.

CONFIDENTIAL

Page 224

1 Do you recall that?

2 A. I do.

3 Q. Commonly known as CIPA?

4 A. I do.

5 Q. To receive a government, to
6 receive government funding, a district has
7 to comply with CIPA?

8 MS. SCULLION: Objection to
9 the extent it is calls calling for
10 a legal conclusion. You can
11 testify as to your understanding.

12 THE WITNESS: I don't know
13 anything about the funding, sir,
14 I'm sorry.

15 BY MR. SHAHIDPOUR:

16 Q. Do you have any involvement
17 at IPS with ensuring CIPA compliance?

18 A. What my responsibility is is
19 to make sure that we have the components,
20 components such as web filter, components
21 such as a curriculum that talks about that,
22 and we have both.

23 Q. And when you say,
24 "components," do you mean components of
25 what it takes for Irvington to be -- for

CONFIDENTIAL

Page 225

1 Irvington Public Schools to be CIPA
2 compliant?

3 A. I would agree with that.

4 Q. And so the first component
5 you mentioned was web filter?

6 A. Web filter, firewall.

7 Q. So web filters and firewalls
8 are necessary for Irvington Public Schools
9 to be CIPA compliant?

10 A. Uh-huh.

11 Q. The next component that you
12 mentioned was a curriculum that talks about
13 that, a curriculum that talks about what?

14 A. Talks about everything from
15 the trials and tribulations of the internet
16 and how to be responsible citizen using the
17 internet. It talks about social media and
18 to be aware of the good and the bad of
19 social media. And that's primarily through
20 learning.com.

21 Q. Through, sorry, what was the
22 last --

23 A. Learning.com.

24 Q. Learning.com. What is
25 learning.com?

CONFIDENTIAL

Page 226

1 A. That is our curriculum that
2 is used by the media specialists, K through
3 5 primarily, but also used sometimes in
4 middle school, but primarily K through 5,
5 where every single student in our
6 elementary schools learns about safety on
7 the internet, keeping them safe, keeping
8 them protected, and to understand their
9 responsibilities and roles as a good
10 internet user.

11 Q. How long has learning.com
12 been a part of IPS's curriculum?

13 A. Before my time.

14 Q. Before your time as director
15 of technology and media services?

16 A. Correct.

17 Q. You don't know if it was at
18 some point -- when at some point between
19 when you started at Irvington Public
20 Schools and before you became director?

21 A. I apologize, I don't know.

22 Q. You don't need to apologize.
23 That's totally fine.

24 Do you know how long -- for
25 how long IPS has had internet web filters

CONFIDENTIAL

Page 227

1 for the purposes of CIPA compliance?

2 A. Well before my time as
3 director of technology.

4 Q. When you joined as director
5 of technology, did you find anything out
6 that may have -- did you find out any
7 information that might shed light on that
8 answer?

9 I'll rephrase the question.
10 Upon becoming director of technology and
11 media services, did you learn anything
12 about the state of IPS's technology and
13 media services department before you
14 joined?

15 A. Sure, a little bit.

16 Q. But just one thing that you
17 didn't learn was when these web filters
18 came into play?

19 A. The date the web filters came
20 into play, no, I knew we had one. I knew
21 the name. But as far as going back 15, 20,
22 30 whatever years, no, I don't know.

23 Q. And the one that, the one --
24 the web filter that IPS had at the time you
25 joined was iboss?

CONFIDENTIAL

Page 228

1 A. That is correct.

2 Q. Were there any web filters in
3 place at the time at IPS?

4 A. No.

5 Q. And why did -- and IPS
6 eventually transitioned away from iboss; is
7 that right?

8 A. Uh-huh.

9 Q. Why did IPS --

10 A. Yes.

11 Q. Thank you. Why did IPS
12 transition away from iboss?

13 MS. SCULLION: Objection to
14 form. Lacks foundation.

15 THE WITNESS: So we're
16 constantly, and I'm speaking about
17 me personally, trying to make sure
18 that our students are as safe as
19 possible. I researched, worked
20 with various companies, talked with
21 consultants. I'm constantly
22 pulling in trying to learn. I'm a
23 teacher at heart. I love learning
24 and I want to do the best job
25 possible, my whole team does. So

CONFIDENTIAL

Page 229

1 we looked into and we're constantly
2 evaluating and reevaluating
3 everything. You know, do we have
4 the best single sign-on? Do we
5 have the best, you know, student
6 information system? Do we have the
7 best, you know, so that is our
8 natural process and what we found
9 was that Palo Alto was extremely
10 highly rated. It's an industry
11 leader, industry standard, and I
12 felt it was, with everything going
13 on, just as life gets more
14 complicated, I want to have the
15 best, so that's what we did.

16 BY MR. SHAHIDPOUR:

17 Q. So you ultimately figured
18 that Palo Alto and GoGuardian were better
19 than iboss for your students?

20 A. Take away GoGuardian for a
21 second and talking about Palo Alto, I
22 believe that they were the industry leader
23 and I felt comfortable going with the
24 industry leader.

25 Q. And you -- IPS also

CONFIDENTIAL

Page 230

1 transitioned from iboss to GoGuardian under
2 your -- during your time of director of
3 technology and media services; is that
4 right?

5 A. That is correct.

6 Q. Did IPS transition to
7 GoGuardian from iboss for the same reason
8 as you mentioned for -- as it did for
9 transitioning from iboss to Palo Alto?

10 A. So GoGuardian wears many
11 hats, right? As I probably stated earlier,
12 it does many different things. One, it
13 gives the teacher ultimately if -- if they
14 are doing it correctly, the ultimate
15 control on their web filter. It can become
16 granular and we can see what's going on and
17 that was particularly important during
18 COVID when kids are home and were not being
19 monitored necessarily, especially if
20 parents have four or five kids and of all
21 different ages, you know, a teacher can
22 only see, you know, pre-GoGuardian, their
23 faces and then that's it. What are they
24 really doing? Are they really paying
25 attention? So during COVID, it became

CONFIDENTIAL

Page 231

1 important. That was one reason.

2 Another reason is that it
3 really was, we were able to promote
4 engagement, okay, of students, because if
5 they're locked and focused in on a
6 particular thing and they can't scramble to
7 any other tab and they can't scramble to
8 any other site, more likely, they're going
9 to be forced to be engaged. So, as I said,
10 it wears many hats.

11 Q. And did you testify that
12 GoGuardian is -- GoGuardian and Palo Alto
13 are some of the components of IPS's CIPA
14 compliance?

15 A. That is correct.

16 Q. Because they help safeguard
17 student privacy?

18 A. They do.

19 Q. And then another component of
20 CIPA compliance is educating students about
21 appropriate online behaviors, correct?

22 A. That is correct.

23 Q. So to comply with CIPA, as
24 far as you're aware, IPS had to educate its
25 students about appropriate online

CONFIDENTIAL

Page 232

1 behaviors?

2 MS. SCULLION: Again, just
3 objection to the extent it calls
4 for a legal conclusion. You can
5 answer as to your understanding.

6 THE WITNESS: So my
7 understanding is, for me,
8 regardless of CIPA, I want my
9 students to be as educated as
10 possible. I don't want them being
11 vulnerable to online predators. I
12 don't want them being -- going and
13 exploring sites that could hurt
14 them. I don't -- so, to me, it is
15 really important that the students
16 are educated and are aware of all
17 the issues, because it goes back to
18 safety, right? It goes back to
19 safety. And to me, learning.com
20 does a very good job at presenting
21 the material.

22 BY MR. SHAHIDPOUR:

23 Q. All right. I'll try to move
24 onto tab 14, please. I've handed you tab
25 14 which we will mark as Exhibit 15, 14,

CONFIDENTIAL

Page 233

1 14.

2 - - - - -

3 (Email String Bates
4 BW__Irvington00481804 marked
5 Amberg Exhibit 14 for
6 identification.)

7 - - - - -

8 BY MR. SHAHIDPOUR:

9 Q. Mr. Amberg, do you see this
10 email was sent in March of 2023?

11 MS. SCULLION: Objection.
12 Mischaracterizes the document.

13 THE WITNESS: I do see the
14 email.

15 BY MR. SHAHIDPOUR:

16 Q. And the email notes that --
17 the email that was sent to you is from Paul
18 Migaj, am I saying that correctly?

19 A. Migaj.

20 Q. Migaj. And did Mr. Migaj --
21 well, who is Mr. Migaj?

22 A. He's a technology coach in an
23 elementary school.

24 Q. And Mr. Migaj told you --
25 well, is it Chancellor Elementary School

CONFIDENTIAL

Page 234

1 that Mr. Migaj was at at the time?

2 A. Let me check. Yes.

3 Q. And Mr. Migaj, did he make
4 you aware that students at Chancellor
5 Elementary School had exploited a website
6 to listen to explicit songs in class?

7 A. Yes.

8 Q. And that website was
9 scratch.mit.edu?

10 A. That is correct.

11 Q. And that website Mr. Migaj
12 notes allows users to create pages with
13 audio content such as explicit songs?

14 A. That is correct.

15 Q. It could search for a user or
16 they could "navigate to scratch and then
17 search for a user such as Dd Osma [sic]"?

18 A. That is what's written, yes.

19 Q. "From there, they can listen
20 to explicit songs hosted on the user's page
21 on their headphones;" is that right?

22 A. Yes, that is what's stated.

23 MS. SCULLION: Let's make one
24 clarification, it's dd osma.

25

CONFIDENTIAL

Page 235

1 BY MR. SHAHIDPOUR:

2 Q. Do you know what Mr. Migaj
3 was referring to by "dd osma"?

4 A. Do I know the song, no, I do
5 not, but I am very familiar with this
6 email.

7 Q. How are you very familiar
8 with this email?

9 A. Because this brings up a
10 philosophical debate within the department
11 because of the fact that this is an
12 elementary school. This is a -- this is an
13 MIT level program that's used in our -- in
14 our high school AP coding classes.

15 But here's the kicker, if
16 you go onto social media, you'll find exact
17 ways to go to songs, hey, do you know, does
18 your school have Scratch open? Well, if
19 they do, you can listen to music, you can
20 listen to this, and you can exploit this
21 and you can exploit that. So now it
22 becomes a problem for us. What do we do
23 when we have students at the high school
24 who want to learn how to code, but have
25 this desire to be, you know, going to an

CONFIDENTIAL

Page 236

1 MIT or a Harvard, wherever to learn coding,
2 and trying to keep our students protected
3 even in an elementary school. And this is
4 a basic problem that we're facing all the
5 time.

6 MR. SEXTON: Objection,
7 nonresponsive and move to strike.

8 MS. SCULLION: Contest the
9 motion.

10 BY MR. SHAHIDPOUR:

11 Q. And you mentioned that they
12 go to social media and learn how to exploit
13 websites like scratch.mit.edu?

14 A. Exploit, I don't know if it's
15 exploit, but they learn how to get basic --
16 they will copy and paste basic coding and
17 then be able to do what they want to do.

18 Q. Is that the social media
19 platform, the company, telling them to go
20 do that, to go copy and paste that code
21 that you testified about?

22 MS. SCULLION: Objection to
23 form. Lacks foundation.

24 THE WITNESS: I don't think
25 Mark Zuckerberg or anyone else is

CONFIDENTIAL

Page 237

1 necessarily saying that, but I do
2 believe it's their responsibility
3 for the content on there.

4 BY MR. SHAHIDPOUR:

5 Q. And then in response to this,
6 you note that this will have to be a
7 classroom management issue. Preventing
8 students from listening to explicit songs
9 during class would be considered a
10 classroom management issue, correct?

11 A. Well, this was what prompted
12 the discussion that I talked about. This
13 was, listen, tell the teacher to pay more
14 attention and then Mr. Migaj, along with
15 the other tech coaches and teachers and so
16 said, Mr. Amberg, we're swamped already.
17 You've got to find a way to basically shut
18 down Scratch. But now we're back to this
19 philosophical, ethical issue. We want to
20 teach our students how to code, how do we
21 do that and also try and keep our students
22 safe?

23 It's wonderful to think,
24 let's put everything on the teachers and
25 that's a very easy solution for big

CONFIDENTIAL

Page 238

1 companies to say, but the reality is, it is
2 a very, very difficult job to do that and
3 try and do our primary job, which is
4 educate the student.

5 Q. And when Mr. Migaj sent you
6 this email, did you understand that to be
7 students accessing the website on their
8 Chromebooks during class?

9 A. Well, since Scratch is used
10 on the Chromebook at the high schools,
11 right, that would be primarily where I'm
12 going to go, especially thinking at the
13 elementary school, because that's what they
14 have access to.

15 Q. And students can connect
16 their headphones to their Chromebooks
17 during school?

18 A. So to understand how
19 education today is compared to years ago,
20 there is interactive lessons, right? It
21 could be i-Ready. It could be Read 180.
22 It could be IXL. And they have an audio
23 component and they have visual components
24 and in order not to distract from other
25 students that may be on -- a little bit

CONFIDENTIAL

Page 239

1 ahead or a little bit behind, they may be
2 using headphones 100 percent.

3 Now, the second part is if a
4 student has an IEP, right, Individual
5 Education Plan, where they need that
6 headphone in their ears in order not to be
7 distracted, that's another reason why
8 people use headphones. Testing,
9 headphones. So I'm not surprised, sir.

10 Q. Mr. Amberg, I really
11 appreciate the explanation. I just want to
12 make sure that you're listening for the
13 question that I ask, because I am more than
14 happy to ask why students have headphones,
15 but what I had asked was can students
16 connect their headphones to Chromebooks?

17 MS. SCULLION: And he answered
18 the question, and to imply
19 otherwise is not appropriate. I
20 mean, you asked him, you know,
21 you're also asking, it sounded to
22 me, are they permitted to and he
23 was explaining the multiple ways
24 and circumstances in which they
25 would be permitted to use

CONFIDENTIAL

Page 240

1 headphones during class.

2 MR. SHAHIDPOUR: Thank you,
3 Counsel, and he --

4 MS. SCULLION: He answered the
5 question. Go on --

6 THE WITNESS: No, honestly,
7 that's what I thought you meant.

8 BY MR. SHAHIDPOUR:

9 Q. No, no, please don't assume
10 or guess what you think I mean. If you
11 don't understand the question, please ask
12 me to clarify.

13 A. I thought I understood the
14 question.

15 Q. You've done it a few times.

16 A. No, but I thought I
17 understood that.

18 MS. SCULLION: Why don't we
19 move on?

20 THE WITNESS: Wake up.

21 BY MR. SHAHIDPOUR:

22 Q. Are -- let's see, did IPS
23 previously have a Cisco ASA firewall?

24 A. That, I don't know.

25 Q. You don't know. Do you know

CONFIDENTIAL

Page 241

1 what the Cisco ASA firewall is?

2 A. I do not.

3 Q. Is IPS's Wi-Fi network
4 accessible to students on their personal
5 devices?

6 A. They are not.

7 Q. IPS allows personal devices
8 to be kept at school by IPS students?

9 A. Rephrase.

10 Q. So IPS's policy prevents
11 students from using their cell phones
12 during class, correct?

13 A. Uh-huh, yes.

14 Q. IPS policy doesn't prevent
15 them from having it, from -- IPS policy
16 doesn't prevent IPS students from keeping
17 their cell phones in their bags during
18 class; is that correct?

19 A. They're allowed to keep their
20 cell phones in their bags. They're just
21 not allowed to be seen.

22 Q. Their cell phones can't be
23 seen at all?

24 A. Except, I believe, at lunch,
25 maybe at lunch they can.

CONFIDENTIAL

Page 242

1 Q. Do IPS students have recess?

2 A. Well, it depends on the grade
3 level.

4 Q. Do some IPS students have
5 recess?

6 A. Elementary school, if recess
7 means going outside and so on, elementary
8 schools do that, but high school and middle
9 schools, no, not so much.

10 Q. Are the IPS students who do
11 have recess allowed to use their personal
12 cell phone devices during recess?

13 A. The elementary schools, I
14 don't -- I don't know.

15 Q. Do some IPS students have
16 study halls?

17 A. Not traditional study halls,
18 no. Not what we used to think of as study
19 halls. Now, it's more of a learning
20 environment where they can choose the
21 subject that they need to focus on and work
22 on that, but that is an actual -- it's not
23 like study hall back in the day, it's
24 actual learning.

25 Q. Understood. Do IPS students

CONFIDENTIAL

Page 243

1 have any other sort of open periods during
2 the school day?

3 MS. SCULLION: Objection to
4 form.

5 THE WITNESS: No, sir, they
6 have gym, but gym is an actually
7 instructed class, nothing else.

8 BY MR. SHAHIDPOUR:

9 Q. Aside from any of the tools
10 that we've talked about, the digital
11 infrastructure, are there any other ways
12 that come to mind for you when -- as to how
13 IPS restricts internet access or usage on
14 personal devices on IPS property?

15 MS. SCULLION: Objection to
16 form. Vague. May I ask a
17 clarifying, are you talking about
18 for students?

19 MR. SHAHIDPOUR: I was just
20 asking about personal devices on
21 IPS property.

22 MS. SCULLION: In general,
23 okay.

24 THE WITNESS: For anyone?
25

CONFIDENTIAL

Page 244

1 BY MR. SHAHIDPOUR:

2 Q. For anyone.

3 A. Well, adults can have their
4 devices. Guests coming in have their
5 devices. It's more regulating students.
6 It's, again, everything goes back to one
7 thing, learning and safety. Keeping the
8 kids safe, making sure they're learning.
9 So that's why, why we, you know, why we're
10 doing it. So adults especially, you know,
11 vendors, whoever is coming in, no.

12 Q. And are there any ways that
13 we haven't yet talked about that IPS
14 filters content that IPS students can
15 access on their personal devices?

16 A. IPS students should not be
17 accessing anything on their personal
18 devices.

19 Q. During school?

20 A. During school.

21 Q. Okay. I am handing you
22 exhibit tab 12A.

23 MS. SCULLION: So sorry.

24 MR. SHAHIDPOUR: Yup.

25 MS. SCULLION: Thank you.

CONFIDENTIAL

Page 245

1 Give us one second, I just
2 need to change an appointment.

3 MR. SHAHIDPOUR: Sorry, what
4 was that?

5 MS. SCULLION: I'm going to
6 just need to change an appointment,
7 give me one second, sorry.

8 MR. SHAHIDPOUR: We can go --

9 MS. SCULLION: It will take me
10 two seconds.

11 THE WITNESS: Where should I
12 place this, right here? Good.

13 MS. SCULLION: Thank you.

14 MR. SHAHIDPOUR: Did you get a
15 copy?

16 MS. SCULLION: I did, I just
17 failed to note the number.

18 THE WITNESS: I put down 15, I
19 believe. Fifteen.

20 MS. SCULLION: Thank you.

21 BY MR. SHAHIDPOUR:

22 Q. So we will mark this as
23 Exhibit 15. This is IPS's 2022 to 2027
24 technology plan; is that right, Mr. Amberg?

25 MS. SCULLION: I ask the

CONFIDENTIAL

Page 246

1 witness to make sure you look
2 through the document first.

3 THE WITNESS: It does appear
4 to be.

5 - - - - -

6 (IPS Technology Plan Bates
7 BW__Irvington00169331 to 169369
8 marked Amberg Exhibit 15 for
9 identification.)

10 - - - - -

11 BY MR. SHAHIDPOUR:

12 Q. And then turning to page 25,
13 do you see the page numbers on the bottom
14 right?

15 A. Twenty-five?

16 Q. Yes, that would be the Bates
17 ending in 356.

18 A. Oh, gosh, yeah, it's so
19 light, I apologize, give me one second,
20 okay.

21 Q. And talking about, we
22 discussed this, this plan, is it -- this
23 technology plan from 2022 to 2027 for IPS,
24 is it required for CIPA compliance?

25 MS. SCULLION: Objection to

CONFIDENTIAL

Page 247

1 the extent it calls for a legal
2 conclusion. You can answer to the
3 extent that you know.

4 THE WITNESS: I'm not sure,
5 but it's something that we created.

6 BY MR. SHAHIDPOUR:

7 Q. Sorry, did you say, "that we
8 created"?

9 A. Correct.

10 Q. Did you have input in the
11 technology plan?

12 A. I did, it's collaborative
13 like with everything else that we do here.

14 Q. Can you give me, is it -- or
15 how many people had input into this
16 technology plan?

17 A. Multiple. Again, calling in
18 outside vendors that we worked with in the
19 past, consultants, obviously, my
20 technicians, my tech coaches, and then,
21 obviously, above us, assistant to the
22 assistant, assistant superintendent,
23 assistant superintendent, and
24 superintendent.

25 Q. And who is the audience for

CONFIDENTIAL

Page 248

1 this technology plan?

2 MS. SCULLION: Objection to
3 form. Vague.

4 MR. SHAHIDPOUR: Other than us
5 right now.

6 THE WITNESS: Besides --

7 MS. SCULLION: Same
8 objections.

9 THE WITNESS: Well, part it is
10 for us, it's almost like if you
11 think about a lesson plan in
12 school. That's not for the
13 students so much, it's for the
14 teacher to kind of pace. And
15 lesson plans are flexible and
16 sometimes you follow it completely,
17 sometimes you deviate, depending on
18 how well the external factors are
19 working at the time.

20 BY MR. SHAHIDPOUR:

21 Q. Sure. And so one goal of
22 this document was to lay out sort of a
23 lesson plan in terms of technology and its
24 incorporation at IPS for --

25 A. That's correct.

CONFIDENTIAL

Page 249

1 Q. Sorry, I was just going to
2 add for the time period 2020 to 2027?

3 MS. SCULLION: Objection to
4 form.

5 MR. SHAHIDPOUR: Is that
6 correct?

7 MS. SCULLION: Objection to
8 form.

9 THE WITNESS: That is correct,
10 sir.

11 BY MR. SHAHIDPOUR:

12 Q. Okay. So turning, looking at
13 this page that we've turned to under,
14 "Building a culture of continuous learning
15 for staff," subpoint G notes,
16 "Investigating emerging possibilities for
17 electronic learning resources such as
18 ebooks, social media, and tablets for
19 teachers and students."

20 Do you see that?

21 A. I do.

22 Q. Did the team that put this
23 technology plan together consider it --
24 consider social media as an emerging
25 possibility for electronic learning for

CONFIDENTIAL

Page 250

1 2022 to 2027?

2 A. What -- what we were talking
3 about here in general is how do we get our
4 teachers to use GoGuardian more efficiently
5 so that they can have more of the power
6 that we talked about earlier in opening up
7 say, like, a YouTube and that right there
8 is something that we believe would benefit
9 the education environment.

10 I think it also discusses
11 the fact that there are more and more
12 applications that we're seeing coming out
13 curriculum-wise that act in a way of social
14 media like in that forum, such as like a
15 ClassDojo, right? And Howbit, which is a
16 class incentive/classroom management
17 application, but it has all the kind of,
18 like, the components, but it's set
19 specifically to the world of education to
20 the classroom experience for the teachers,
21 for the parents.

22 So how do we build and
23 educate our teachers to be able to use
24 something like GoGuardian fully, using
25 Scenes, using the power that they

CONFIDENTIAL

Page 251

1 themselves then can take on instead of
2 relying for us as a technology department
3 from keeping everything locked, because
4 right now, everything is locked and like we
5 talked about, they have to go to their
6 supervisor and then they have to go to the
7 next building administrator, then they're
8 going to us.

9 Q. So this -- this subpoint that
10 we're talking about, it falls under
11 building a culture of continuous learning
12 for staff and that in turn falls under goal
13 one, "Improve student academic achievement
14 through the use of technology."

15 Do you see that?

16 A. I do.

17 Q. IPS has -- has IPS ever
18 considered investigating emerging
19 possibilities such as social media as a
20 means of improving student academic
21 achievement?

22 MS. SCULLION: Objection to
23 form.

24 THE WITNESS: So, again, I can
25 say YouTube, when used properly, is

CONFIDENTIAL

Page 252

1 a fantastic tool for teaching
2 students about things, like, saying
3 history, remember, I was a history
4 teacher. If you're capping off a
5 discussion about the Civil War and
6 you want to go to see a Ken Burns
7 documentary and catch a snippet,
8 right, and then you add on that ed
9 puzzle which allows questioning, so
10 you're adding a 10-second clip and
11 then a question, 10-second clip and
12 then a question, that's a fantastic
13 tool, but it has to be used
14 properly and students need to be
15 safe and it needs to be focused on
16 specifically education.

17 BY MR. SHAHIDPOUR:

18 Q. So when you say, "used
19 properly," in connection with social media,
20 do you mean choosing the right types of
21 content to show students on social media?

22 A. It means if you have a
23 lesson, make sure that you have the
24 appropriate YouTube video to help bolster,
25 you're not just putting it on to just to

CONFIDENTIAL

Page 253

1 say, hey, I'm going to walk away from my
2 class for two minutes and, you know, have a
3 breather. It's about trying to educate the
4 student the best way. And sometimes having
5 a video clip of something really does add
6 flavor and context. There's no question
7 about that. The question is are we able to
8 do that without safeguards, and the answer
9 is no. Unfortunately, there's a lot of
10 stuff that is unsafe and that's -- that's
11 an issue.

12 Q. Do you run any social media
13 accounts for IPS?

14 A. I do not.

15 MS. SCULLION: Objection --
16 sorry, objection to form,
17 foundation. Assumes facts not in
18 evidence.

19 BY MR. SHAHIDPOUR:

20 Q. Does IPS have any social
21 media accounts?

22 A. So recruiting and retention
23 has one or two, because, as you can
24 understand, teaching is not easy.
25 Recruiting teachers and retaining teachers

CONFIDENTIAL

Page 254

1 is almost a full-time job, especially with
2 everything that's going on. So with that
3 being said, I think recruiting and
4 retention has been having, like, blitzes to
5 try and get teachers to come in to become
6 part of Irvington Public Schools system, so
7 I believe that. And I also believe and
8 it's not part of the school system, but the
9 football team, or maybe it's the booster
10 club, I don't know, has, like, a Blue
11 Knights thing, but I don't run that and we
12 don't run the retention and recruitment
13 stuff either.

14 Q. And you mentioned Blue
15 Knights, is that the Irvington High School
16 mascot?

17 A. Come on, you're here in
18 Irvington. You have to know that, yes.

19 Q. I'm checking. So are you
20 involved in either the recruiting and
21 retention or athletic social media
22 accounts?

23 A. No, sir.

24 MS. SCULLION: Objection to
25 form.

CONFIDENTIAL

Page 255

1 BY MR. SHAHIDPOUR:

2 Q. Are you involved in any other
3 IPS social media activity?

4 MS. SCULLION: Objection to
5 form.

6 THE WITNESS: No, sir.

7 BY MR. SHAHIDPOUR:

8 Q. Have you ever been portrayed
9 in content that IPS has posted to social
10 media?

11 MS. SCULLION: Objection to
12 form and foundation.

13 THE STENOGRAPHER: Objection
14 to form and what?

15 MS. SCULLION: And foundation.

16 THE WITNESS: I believe there
17 was a YouTube video not produced by
18 us, but by produced by a company
19 talking about highlighting the
20 technology at IPS at Irvington
21 Public Schools, excuse me, and they
22 interviewed me about Chromebooks,
23 about, I believe, it was Ozobots,
24 Legos, and 3D printers and so on
25 and how we use them within the

CONFIDENTIAL

Page 256

1 district.

2 BY MR. SHAHIDPOUR:

3 Q. Okay. Does anyone who
4 reports to you in the technology and media
5 services department operate any social
6 media accounts on behalf of IPS?

7 A. Not that I know of.

8 Q. Who is Carl Walton?

9 A. Carl Walton, he retires next
10 month, but he is supervisor.

11 Q. And I'll mark tab 17 as
12 Exhibit 16.

13 - - - - -

14 (Professional Assessment and
15 Development Evaluation Bates
16 BW__Irvington00225419 to 225454
17 marked Amberg Exhibit 16 for
18 identification.)

19 - - - - -

20 THE WITNESS: Thank you.

21 MS. SCULLION: Uh-huh.

22 BY MR. SHAHIDPOUR:

23 Q. We talked earlier about
24 performance evaluations. Do you conduct --
25 do you evaluate the performance of other

CONFIDENTIAL

Page 257

1 IPS staff in the course of your duties at
2 IPS?

3 A. Yes, sir, that's one of my
4 main jobs is to evaluate media specialists,
5 to evaluate my technology team, to evaluate
6 anybody that needs to be evaluated.

7 Q. And we talked about this a
8 little bit earlier, but is that part of
9 being executive director at IPS or is that
10 part of being director in general?

11 A. Any time you're an
12 administrator, that's where -- and that's
13 why you must have a teaching cert and an
14 administrative cert, you then become an
15 evaluator and it could be anyone in the
16 district that's an administrator, sorry.

17 Q. And looking at this first
18 page, under question one, it asks or it
19 says, "To be completed by the administrator
20 for the Pre-Observation Conference." It
21 says, "completed by the administrator," is
22 that referring to the person being
23 evaluated or the person evaluating?

24 A. So because this is an
25 evaluation for supervisors, this would be

CONFIDENTIAL

Page 258

1 considered the supervisor would have to
2 fill this out.

3 Q. So, on this document, who
4 filled out the response to Section 1?

5 A. Carl, Carl.

6 Q. Carl Walton?

7 A. Yes.

8 Q. Carl Walton notes that he
9 considered sources of data to develop
10 student achievement goals?

11 A. Through NJ SMART.

12 Q. NJ SMART. And then on the
13 next page, he mentions PowerSchool
14 reporting?

15 A. Correct.

16 Q. And this is sort of what we
17 talked about earlier in terms of IPS using
18 data to develop student achievement goals;
19 is that right?

20 MS. SCULLION: Objection to
21 form.

22 THE WITNESS: Well, NJ SMART
23 is the information that we send to
24 the state regarding the students.
25 It could have anything from the

CONFIDENTIAL

Page 259

1 student's family's income letter to
2 their race, to their gender, all
3 that information and we just grab
4 the information and we put -- place
5 it in the report and send it to the
6 state.

7 BY MR. SHAHIDPOUR:

8 Q. Okay. And moving on to
9 the -- you're familiar with the Bates
10 numbers that I have been referencing so
11 far?

12 A. Is that these --

13 Q. The numbers on the bottom
14 right.

15 A. Yeah.

16 Q. To the page that ends in 441.
17 It's quite a ways through the document.

18 A. Okay.

19 Q. And at this point in the
20 document, you are evaluating Mr. Walton?

21 A. That is correct.

22 Q. And at the very bottom, we
23 see corporation -- domain for cooperation
24 and collaboration.

25 Do you see that?

CONFIDENTIAL

Page 260

1 A. Domain III, Domain IV, yes.

2 Q. And you generally tried to
3 provide helpful feedback in these
4 evaluations?

5 A. I try.

6 Q. Well, feedback for
7 Mr. Walton?

8 A. That's -- that's the hope.

9 Q. And also evaluate him for
10 other purposes such as -- well, strike
11 that.

12 You also evaluated him for
13 purposes of the district's perspective as
14 to his performance?

15 MS. SCULLION: Objection to
16 form.

17 THE WITNESS: Typically, I'm
18 evaluating him to help him be the
19 best supervisor possible in order
20 to provide students, teachers, and
21 other administrators the help that
22 they need to be successful.

23 BY MR. SHAHIDPOUR:

24 Q. Yup. And for this particular
25 domain, you evaluated him on ensuring that

CONFIDENTIAL

Page 261

1 teachers have opportunities to observe and
2 discuss effective teaching; is that right?

3 A. Uh-huh.

4 Q. On his performance on --
5 moving onto the next page, ensuring that
6 teachers have formal roles in the
7 decision-making process regarding district
8 initiatives?

9 A. Where are you, I apologize?

10 Q. The next page on to 442,
11 still in this section.

12 A. Okay.

13 Q. You also evaluated him for
14 ensuring that teachers have formal roles in
15 the decision-making process regarding
16 district initiatives?

17 A. Again, if you remember, it's
18 a collaborative, I keep on going back to we
19 all try and work together, because
20 everybody has different expertise and
21 bringing in as many stakeholders as
22 possible is absolutely pertinent to the
23 educational experience of the student.

24 Q. Okay. And you can move down
25 to number five, Mr. Walton was evaluated

CONFIDENTIAL

Page 262

1 and provided feedback on how --

2 A. Domain V?

3 Q. No, sorry, subpart five under
4 Domain IV.

5 A. Okay. I apologize.

6 Q. No need to apologize, on 442.

7 A. Okay.

8 Q. "The administrator ensures
9 that students, parents, and community have
10 formal ways to provide input regarding the
11 optimal functioning of the district."

12 Do you see that?

13 A. I do.

14 Q. This is sort of going to the
15 collaborative nature of how the district
16 operates that you have been testifying
17 about?

18 A. Correct.

19 Q. And one way to be
20 collaborative is to solicit input from
21 various stakeholders?

22 A. That is.

23 Q. Looking at the top -- well,
24 and under these subparts you rated
25 Mr. Walton as highly effective at Domain

CONFIDENTIAL

Page 263

1 IV?

2 A. That is correct.

3 Q. And you wrote that,
4 "Mr. Walton recognizes the importance of
5 creating channels for students, parents,
6 and the community to provide input and stay
7 informed about the optimal functioning of
8 the district. To ensure effective
9 communication and engagement, he places a
10 strong emphasis on maintaining and
11 optimizing various communication platforms,
12 including the district website, school
13 messenger system, social media channels,
14 and the phone system."

15 Do you see that?

16 A. I do.

17 Q. And then going down to the
18 fourth paragraph, you wrote, "Recognizing
19 the impact of social media in today's
20 digital age, Mr. Walton leverages social
21 media platforms to engage with the
22 community and provide updates on district
23 activities. He ensures that social media
24 accounts are regularly monitored, actively
25 responds to inquiries or concerns, and

CONFIDENTIAL

Page 264

1 promotes positive interactions among
2 stakeholders."

3 Do you see that?

4 A. I do.

5 Q. Which social media accounts
6 was Mr. Walton regularly monitoring?

7 A. ClassDojo.

8 Q. ClassDojo is a social media
9 account?

10 A. That's, for school districts,
11 absolutely. That's the one of the best
12 ways for teachers, administrators to
13 communicate with parents. So that's
14 something that he was one of the ones that
15 actually brought about, because it's
16 monitored, it's safe, and it's
17 collaborative. And it's, like, a walled
18 environment, kind of like I explained with
19 our students, elementary and middle school
20 students cannot have an email, right?
21 They're not allowed to have an email. It's
22 blocked. It's -- the only people are the
23 high school. So this is a safe way of
24 making announcements of saying, hey, we're
25 doing this, this is great, come out and see

CONFIDENTIAL

Page 265

1 it. So, absolutely, it's a wonderful
2 experience.

3 Q. So which other social media
4 platforms did Mr. Walton leverage to engage
5 with the community?

6 A. Well, now, it's through
7 PowerSchool, but before it was on its own
8 and that's our phone blast system.

9 Q. Okay.

10 A. It used to be on its own, now
11 it's PowerSchool.

12 Q. So back to the first
13 paragraph, where it says at the very end,
14 "including the district website, school
15 messenger system, social media channels,
16 and the phone system," are those all
17 separate items?

18 A. I'm sorry, what do you mean
19 by "separate items"?

20 Q. Where it says social media
21 systems in this list, you understand that
22 to be referring to go -- what is that?

23 MS. SCULLION: ClassDojo.

24 MR. SHAHIDPOUR: ClassDojo and
25 PowerSchool?

CONFIDENTIAL

Page 266

1 THE WITNESS: Well, now, it
2 was phone blast, kind of like
3 school messenger is an example of
4 one. He also was in charge of the
5 idea of integrating from PRIs to
6 SIP with the phones. So that's why
7 I brought that in. So, as you
8 know, companies, you know, Verizon
9 has been getting away from copper,
10 right, POTS lines.

11 BY MR. SHAHIDPOUR:

12 Q. I didn't know that.

13 A. So they have been getting
14 away from POTS lines, or plain old
15 telephony, and they have been going towards
16 SIP. And they're, like, listen, copper
17 breaks way too much. So with that, he was
18 one of the main people that worked on
19 transferring the whole district phone
20 system that, you know, leverages the use of
21 calling parents and being able to contact,
22 from PRI to SIP. That has been super and
23 cost savings.

24 MR. SHAHIDPOUR: Understood.

25 Do you want to take a quick break?

CONFIDENTIAL

Page 267

1 We're close to the end here.

2 MS. SCULLION: Yeah, why don't
3 we take a break?

4 THE VIDEOGRAPHER: The time
5 right now is 3:46 p.m. We're off
6 the record.

7 - - - - -

8 (A recess was taken at this time.)

9 - - - - -

10 THE VIDEOGRAPHER: The time
11 right now is 4:00 p.m. We're back
12 on the record.

13 BY MR. SHAHIDPOUR:

14 Q. Well, again, Mr. Amberg, just
15 a few more questions. Do you use social
16 media in your personal life?

17 A. If you ask my kids, no. Me,
18 not really, I use -- I used to have
19 Facebook many years ago when I -- I don't
20 have it now.

21 I think I opened a Twitter
22 account, but I don't think I ever tweeted
23 and I'm not sure how to tweet or is it Xing
24 now.

25 And SnapChat, I had that,

CONFIDENTIAL

Page 268

1 but I haven't used that in years too.

2 Instagram, I have and I
3 follow chefs, because they're my passion.

4 Q. Culinary Instagram accounts.
5 How long have you had Facebook?

6 A. I have no idea. Because I
7 haven't used it in a couple of -- three or
8 four years and -- or five years now. And
9 maybe -- I had it primarily for Roth and
10 Amberg, so maybe 2009, I had it.

11 Q. Okay. How long have you had
12 Instagram?

13 A. A year or two, not very long.

14 Q. How long have you had Twitter
15 or X?

16 A. I don't know, because I don't
17 think I ever used it.

18 Q. All right. Do you have a
19 TikTok account?

20 A. No, I don't have a TikTok
21 account.

22 Q. Do you have a YouTube
23 account?

24 A. I use YouTube, but an
25 account, what does that mean, I'm sorry?

CONFIDENTIAL

Page 269

1 MS. SCULLION: He actually
2 can't answer questions. So the
3 answer -- if you don't know, you
4 don't know.

5 THE WITNESS: I don't know.

6 BY MR. SHAHIDPOUR:

7 Q. Do you have a log-in or
8 sign-in for YouTube that you use?

9 MS. SCULLION: Objection to
10 form.

11 THE WITNESS: I don't -- I
12 don't think so.

13 BY MR. SHAHIDPOUR:

14 Q. Okay. Do you have a
15 LinkedIn?

16 A. I do.

17 Q. How long have you been using
18 LinkedIn?

19 A. To the best of my
20 recollection, maybe seven, eight years.

21 Q. And, I'm sorry, going back to
22 YouTube, how long have you been using
23 YouTube?

24 A. I have no idea. But for a
25 while. I find education videos excellent.

CONFIDENTIAL

Page 270

1 Q. And then how long have you
2 had SnapChat?

3 A. I have no idea. I don't Snap
4 very much and haven't for years.

5 Q. Any other social media
6 accounts?

7 A. Are there others? I don't
8 think so.

9 Q. Do you have a Reddit account?

10 A. No.

11 Q. Have you ever used Reddit?

12 A. I think I've Googled
13 something and, like, Reddit showed up.

14 Q. How many hours a week do you
15 spend on social media?

16 MS. SCULLION: So I'm going to
17 start objecting. I mean, this
18 lawsuit is not about Mr. Amberg's
19 personal use of social media, so
20 I'll allow you some leeway, but
21 we're not going to allow very much
22 of this.

23 THE WITNESS: I have no idea,
24 but sometimes I listen -- well,
25 it's primarily YouTube, but I

CONFIDENTIAL

Page 271

1 couldn't quantify how long or how
2 much, but ...

3 BY MR. SHAHIDPOUR:

4 Q. And you said you follow chefs
5 on Instagram and you have for the past one
6 or two years; is that right?

7 A. Yeah.

8 Q. And about how much time do
9 you spend on Instagram?

10 MS. SCULLION: Objection to
11 form.

12 THE WITNESS: Not very long.

13 BY MR. SHAHIDPOUR:

14 Q. Do you plan to get rid of
15 your social media?

16 MS. SCULLION: Objection. So
17 what is the relevance of these
18 questions to this lawsuit?

19 MR. SHAHIDPOUR: Counsel, you
20 can have your form objection. You
21 can have your privilege objections.
22 We're not going to litigate
23 relevance --

24 MS. SCULLION: I mean --

25 MR. SHAHIDPOUR: -- at a

CONFIDENTIAL

Page 272

1 deposition.

2 MS. SCULLION: Well, I mean,
3 at some point you're really getting
4 into, I mean, this is his personal
5 life. It's an invasion of his
6 privacy. You all have raised
7 questions about privacy and I think
8 we are now in the territory where
9 we're going beyond what is even
10 potentially relevant.

11 MR. SEXTON: You all have
12 asked every one of our company
13 witnesses about their social use
14 and their children's social media
15 use. So the objection has no --

16 MR. SHAHIDPOUR: And I'll say
17 that to the extent your client and
18 the witness have made statements
19 about social media, their usage of
20 social media bears on their
21 understanding of its features and
22 how it can be used.

23 MS. SCULLION: Well, our
24 client is IPS. Mr. Amberg has made
25 comments with respect to social

CONFIDENTIAL

Page 273

1 media in the relevant sense in
2 terms of its use within schools.
3 And -- but he's not -- he's not
4 here to talk about his personal use
5 or nonuse of social media as an
6 adult outside of the school
7 environment in his personal life.
8 So these are not appropriate
9 questions.

10 MR. SHAHIDPOUR: That's my
11 articulation of the relevance. We
12 don't have to get into it further
13 on the record. And we don't have
14 any more questions on it
15 regardless.

16 Mr. Amberg, do you have
17 family members who use social
18 media?

19 MS. SCULLION: Objection.
20 That's off limits. It has
21 absolutely no relevance whatsoever
22 and we're not going to allow him to
23 answer those questions.

24 MR. SHAHIDPOUR: Are you going
25 to follow your counsel's

CONFIDENTIAL

Page 274

1 instruction?

2 THE WITNESS: I listen to my
3 counsel all the time.

4 MS. SCULLION: I'm going to
5 take a quick break. Mr. Amberg, if
6 you would just remain here. But
7 please do not talk to anybody. I'm
8 just going to take a break and chat
9 with someone.

10 THE VIDEOGRAPHER: The time
11 right now is 4:07 p.m. and we're
12 off the record.

13 - - - - -

14 (A recess was taken at this time.)

15 - - - - -

16 THE VIDEOGRAPHER: The time
17 right now is 4:10 p.m. We're back
18 on the record.

19 BY MR. SHAHIDPOUR:

20 Q. Mr. Amberg, before we took a
21 break, I asked whether you were going to
22 follow your counsel's instruction not to
23 answer my question. You said you listen to
24 your counsel all the time. Are you
25 following her instruction not to answer

CONFIDENTIAL

Page 275

1 right now?

2 A. I'm listening to my counsel.

3 Q. Okay. Earlier you mentioned
4 certain viral -- I don't want to put words
5 in your mouth, but a viral challenge
6 involving Chromebooks.

7 Do you recall that?

8 A. I do.

9 Q. Can you tell me a little bit
10 about this challenge that you're aware of?

11 MS. SCULLION: Objection to
12 form.

13 THE WITNESS: I was alerted a
14 couple of days ago of Chromebooks
15 at a middle school smoking and
16 possibly destroyed, damaged. I
17 went immediately to the middle
18 school and spoke with the tech
19 coach, spoke with the dean of
20 discipline, and spoke with the
21 principal and they had spoken with
22 the children involved and the
23 children stated that they were
24 doing a TikTok challenge where they
25 take a metal object and stick it

CONFIDENTIAL

Page 276

1 into the power source of the
2 Chromebook to spark, catch on fire,
3 smoke, for which they were fairly
4 successful.

5 BY MR. SHAHIDPOUR:

6 Q. And was this a middle
7 school -- or which middle school is this
8 at?

9 A. University Middle School.

10 Q. And that's an IPS school?

11 A. That is correct.

12 Q. And when you use the word,
13 "challenges," what do you understand a
14 challenge to be?

15 A. Well, I guess the challenge
16 would be having students telling other
17 students I challenge you to do this, this,
18 or this. And then they show them what they
19 do and then other students, other people,
20 it doesn't have to be students do that
21 particular thing.

22 Q. And then they post it online
23 and it goes viral?

24 A. They post it online.

25 Q. And you said it's students

CONFIDENTIAL

Page 277

1 challenging other students to complete the
2 challenge?

3 A. Kids, I'm using students,
4 because this in the work environment, but I
5 would suspect young adults. I don't think
6 we would do that.

7 Q. Okay. Do you know whether
8 students receive any monetary rewards for
9 completing a challenge?

10 A. I have no idea about that.

11 Q. Have you seen the viral
12 challenge on any platforms that you
13 referenced in your earlier testimony?

14 A. Afterwards, I went online and
15 went to the news, Googled it and found it
16 all over the place happening all over the
17 country and then I sent out an email
18 warning everyone.

19 Q. Did you see the particular
20 videos -- well, did you find out whether
21 the students involved in this challenge
22 incident involving UMS Chromebooks posted a
23 video online?

24 A. That, I am not aware of.

25 Q. Okay. You never saw any

CONFIDENTIAL

Page 278

1 video that they posted?

2 A. Of them posting it, I have
3 not seen a video.

4 Q. You only heard from other
5 administrators that they had said something
6 about it being related to a social media
7 challenge; is that right?

8 A. The students told the
9 administrator that they saw and they
10 participated in a TikTok challenge.

11 MR. SHAHIDPOUR: Okay. We're
12 going to see if any of our
13 Codefendants have any questions for
14 Mr. Amberg. Anyone on Zoom?

15 THE WITNESS: Well, I didn't
16 even know, hi, Zoom.

17 BY MR. MADISON:

18 Q. Yes, this is Armani Madison
19 from Williams and Connelly appearing on
20 behalf of Defendant YouTube. I have a few
21 questions.

22 MR. SHAHIDPOUR: Hold on. Can
23 you hear Mr. Madison?

24 THE WITNESS: I think so.

25 MR. SHAHIDPOUR: He can hear

CONFIDENTIAL

Page 279

1 you.

2 BY MR. MADISON:

3 Q. Okay. Terrific. Good
4 afternoon, Mr. Amberg.

5 A. Good afternoon.

6 Q. I have a few questions to
7 ask. So we spoke a bit about the school
8 district's social media. Are you familiar
9 with Irvington's social media presence?

10 MS. SCULLION: Objection.

11 Asked and answered.

12 BY MR. MADISON:

13 Q. Sorry, if you could give me
14 an answer.

15 A. I can hear you. I'm not very
16 familiar with anything due to social media.
17 Like I said, I am aware that the retention
18 and recruitment has social media and I
19 believe that Irvington Blue Knights has
20 social media, which is just the football, I
21 believe the booster. I'm not aware of
22 anything else.

23 Q. So do you know if IPS has a
24 YouTube channel?

25 A. That, I'm not aware of.

CONFIDENTIAL

Page 280

1 Q. Okay. Let's see, one second.
2 Do you know if Irvington has a Facebook
3 account as a school district?

4 MS. SCULLION: Counsel, when
5 you say, "Irvington," do you mean
6 IPS?

7 MR. MADISON: Yes, sorry, IPS.

8 MS. SCULLION: Thank you. No,
9 go ahead.

10 THE WITNESS: That's -- I'm
11 not really sure of what, I don't
12 think so, whatever recruitment and
13 retention has, but that's something
14 that's not in my purview.

15 BY MR. MADISON:

16 Q. Okay. Do you know if IPS has
17 a TikTok account?

18 A. I've never heard of an
19 Irvington TikTok account, Irvington Public
20 Schools TikTok account.

21 Q. Okay. Does IPS have an
22 Instagram account?

23 A. I haven't heard of that, but
24 maybe recruitment and retention, like I
25 said.

CONFIDENTIAL

Page 281

1 Q. Do you know if IPS has a
2 SnapChat account?

3 A. I've never heard of them
4 having a SnapChat account.

5 Q. Okay. Do you know who would
6 be, who would know whether the school
7 district has those accounts?

8 A. Well, I would probably ask
9 retention and recruitment.

10 Q. Okay. I want to talk a bit
11 about IPS's sort of practices with respect
12 to student YouTube use.

13 What is Irvington's current
14 practice regarding student access to
15 YouTube on school-issued devices?

16 MS. SCULLION: Objection,
17 asked and answered. This was
18 discussed at length.

19 BY MR. MADISON:

20 Q. Yes, I'm asking just to
21 confirm, are students allowed to use
22 YouTube on school-issued devices?

23 MS. SCULLION: Objection,
24 asked and answered.

25 MR. MADISON: You may answer

CONFIDENTIAL

Page 282

1 the question.

2 THE WITNESS: As I've stated
3 before, everything is blocked on
4 all social media. What we do allow
5 is after they go, and meaning they,
6 the teachers, go to their content
7 supervisor, or their building
8 administrator, sometimes both, they
9 are allowed to have something
10 whitelisted to show. Now,
11 sometimes, as stated before, other
12 applications have used YouTube that
13 we are ourselves were not even
14 aware of and also, sometimes -- and
15 when I'm talking about
16 applications, I'm talking about
17 school curriculum applications,
18 right, and then sometimes there's
19 just websites that are back doors
20 to YouTube, as I referenced earlier
21 in the conversation about the
22 second or third grader.

23 BY MR. MADISON:

24 Q. Are you familiar with
25 something called Google Workspace for

CONFIDENTIAL

Page 283

1 Education?

2 A. I am.

3 Q. It's a suite of tools
4 that schools can use in proving --

5 THE STENOGRAPHER: Wait a
6 minute, I didn't hear that. Is the
7 what?

8 THE WITNESS: Suite of tools.

9 BY MR. MADISON:

10 Q. Let me speak up. It's a
11 suite of tools that schools can use when
12 providing educational services to students,
13 is that your understanding?

14 A. That is correct.

15 Q. There is a version of Google
16 Workspace available for free; is that
17 correct?

18 A. There is.

19 Q. Okay. Did IPS ever use the
20 freely available version of Google
21 Workspace?

22 A. I do believe so, sir.

23 Q. When did IPS start using the
24 free version of Google Workspace?

25 A. Well before my time as

CONFIDENTIAL

Page 284

1 director.

2 Q. Would you be able to give me
3 a ballpark?

4 A. No, sir.

5 Q. And has IPS been using the
6 free version of Google Workspace
7 continuously since you started in your
8 current role?

9 A. That is correct.

10 Q. Okay. Has IPS ever purchased
11 Google Workspace, to your knowledge?
12 Sorry, let me ask -- sorry, there might be
13 an issue with my sound here. I'll ask it
14 again. Did IPS ever purchase Google
15 Workspace?

16 A. No, sir.

17 Q. Okay. Did IPS ever use
18 Player for Education as an embedded player
19 for YouTube videos, to your knowledge?

20 A. I'm not familiar with that,
21 sir.

22 Q. Okay. Let's see, has IPS had
23 any -- strike that.

24 During what years from 2015
25 to the present has IPS blocked access to

CONFIDENTIAL

Page 285

1 YouTube on its network or on IPS-provided
2 devices?

3 MS. SCULLION: Objection to
4 form.

5 THE WITNESS: So I can only
6 speak to my knowledge, sir.

7 BY MR. MADISON:

8 Q. Okay.

9 A. And I can say through the
10 years I have been in this position, it has
11 been blocked.

12 Q. Does IPS's general network
13 filter -- prevent students from downloading
14 apps on their personal devices?

15 MS. SCULLION: Objection to
16 form.

17 THE WITNESS: Personal
18 devices?

19 MR. MADISON: Yes.

20 THE WITNESS: We don't allow
21 personal devices, sir.

22 BY MR. MADISON:

23 Q. Yeah, so understanding that,
24 if the student were still connect to the
25 IPS network with their personal device,

CONFIDENTIAL

Page 286

1 would they be able to download an app to
2 that device using the network?

3 MS. SCULLION: Objection to
4 form. Vague.

5 THE WITNESS: Number one, we
6 really keep students off. We, even
7 the guest network, we change that
8 password once a week as, I believe,
9 the lawyers are aware. We go in
10 and we've now changed so that even
11 passwords for students' accounts
12 are not even known by students and
13 we try to do multifactor and so on.

14 So, in general, what I can
15 say is that students shouldn't be
16 able to get on. If they do, I'm
17 not sure, sir.

18 BY MR. MADISON:

19 Q. Okay. And my last question
20 here, are students able to download apps on
21 school-issued devices?

22 MS. SCULLION: Objection to
23 form. Vague.

24 THE WITNESS: Chromebooks
25 can't download things. You can --

CONFIDENTIAL

Page 287

1 extensions, but we have all that
2 blocked also, sir.

3 MR. MADISON: Those are all my
4 questions. Thank you so much, Mr.
5 Amberg.

6 THE WITNESS: Thank you.

7 MR. SHAHIDPOUR: Anyone else
8 on Zoom with any questions for Mr.
9 Amberg?

10 MR. KARP: Before we go off
11 the record, is it -- Counsel, is it
12 your position that Mr. Amberg is
13 not permitted to answer any
14 questions regarding his family
15 members' use of social media?

16 MS. SCULLION: It's our
17 position that questions with
18 respect to Mr. Amberg's family's
19 personal use of social media is not
20 relevant. Among other things, his
21 children are not students in the
22 Irvington Public Schools. So that
23 is our position.

24 MR. KARP: We -- after you
25 instructed him -- Mr. Amberg not to

CONFIDENTIAL

Page 288

1 answer, we took a brief break and I
2 just wanted to make sure that your
3 instruction to the witness stood.

4 MS. SCULLION: Yes. Thank
5 you.

6 MR. KARP: Thank you.

7 MS. SCULLION: Are we done?

8 MR. SHAHIDPOUR: We're done.

9 MS. SCULLION: And we have no
10 questions for the witness, so the
11 deposition is complete.

12 MR. SHAHIDPOUR: Thank you
13 very much, Mr. Amberg.

14 THE WITNESS: Thank you, it
15 has been a pleasure, guys.

16 MS. SCULLION: Let's let him
17 go off the record.

18 THE VIDEOGRAPHER: Before we
19 go off the record, Mr. Faraz
20 Shahidpour has been on the record
21 for five hours. Armani Madison for
22 nine minutes. The time right now
23 is 4:26 p.m. We are off the
24 record.

25 - - - - -

CONFIDENTIAL

Page 289

(Whereupon, the deposition
was concluded at 4:26 p.m.)

- - - - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONFIDENTIAL

Page 290

C E R T I F I C A T I O N

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on May 15, 2025, and that this is a correct transcript of same.



Robin L. Clark

Registered Professional Reporter

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

CONFIDENTIAL

Page 291

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections.

You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

CONFIDENTIAL

Page 292

	PAGE	LINE	CHANGE
1			- - - - -
2			E R R A T A
3			- - - - -
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			